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COMMISSION D'ENQUETE SUR
LE RECOURS AUX DROGUES ET AUX PRATIQUES
INTERDITES POUR AMELIORER LA
PERFORMANCE ATHLETIQUE

AUDITION TENUE AU HOLIDAY INN
SALLE AMBASSADEUR C
420 SHERBROOKE OUEST
MONTREAL, QUEBEC
LE 10 FEVRIER 1989

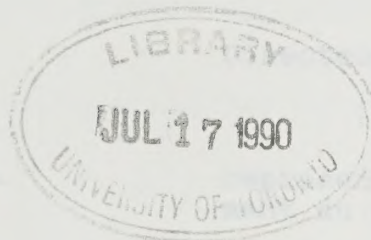
VOLUME 16

DEVANT:

L'HONORABLE CHARLES LEONARD DUBIN

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PROCUREURS:

5 Me R. ARMSTRONG, C.R. représentant la Commission
Me M. PROULX, C.R.
Me KIRBY CHOWN
Me NUNN Directeur de la recherche

Me E. R. SOJONKY, C.R. représentant le Gouverne-
Me A. PREFONTAINE ment du Canada

10 Me J. SILCOFF représentant A. Kulesza
Me M. TRUDEL

Me A. LUTFY, C.R. représentant Canadian
Weightlifting Federation

15 Me R.S. McCREATH, C.R. représentant Canadian
Me R. L. FALBY, C.R. Olympic Association

Me R. MORROW Sport Medicine Council

20 Me D. CAISSE représentant J. Demers, D.
Bolduc et L. Payer

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5	101: Book containing different reports.	2937
	102: "System of classification for Atheltes (2 Pages)	3030
	103: Photos	3063

--- Upon resuming at 10:00

THE COMMISSIONER:

Mr. Proulx.

Me PROULX:

Mr. Commissioner, thank you.

ANDRZEJ KULESZA: Recalled

--- EXAMINATION BY Me PROULX:

Q. Mr. Kulesza, we are still in Vancouver and there are a few more questions I would like to address to you. On that Friday, in the course of the meeting you had with the athletes when you informed them that they had to be tested, did you call Dr. Coleman?

A. Not during the meeting, I called Dr. Coleman but not...

Q. Could you tell the Commissioner when you called Dr. Coleman?

A. I called sometimes at night to ask Dr. Coleman if he can come to visit athletes on Saturday, at the training sessions.

THE COMMISSIONER:

Well I think you should put to the witness what Mr. Demers said. It think Mr. Demers said -- you heard Mr. Demers, he said during the meeting.

THE WITNESS: Yes.

THE COMMISSIONER: He said during the meeting, when they talked about a catheter, it was suggested to get a doctor and you said you'd try to get a doctor.

THE WITNESS: That's right.

THE COMMISSIONER: That's what he said. Now did you say that you were going to call a doctor in Mr. Demers presence?

THE WITNESS: No I couldn't call in the presence, Demers was not in my room.

THE COMMISSIONER: How would he know then that you were going to call a doctor?

THE WITNESS: I have no idea where from he knows that. I called the Doctor every day and I was under constant communication with the Doctor.

THE COMMISSIONER: Well I just want to make it clear because Mr. Demers said that during this meeting when they are talking about a catheter, it was suggested that they get a Doctor, and you said you would try to get a Doctor, and you called the Doctor, but you couldn't get him, did you 'phone the Doctor and did you get him the day you called?

THE WITNESS: No, I never reached the Doctor.

THE COMMISSIONER: But you tried to get him?

THE WITNESS: I tried to reach the doctor,
but, but not during the meeting.

Me PROULX:

5 Q. Do you remember when Mr. Demers said
here that the reason why you tried to reach a Doctor was
because you wanted to know more about the precautions which
should be taken for the catheter operation?

A. This is what Demers said.

10 Q. And what do you have to say about it?

A. I have permanent contact with a Doctor
Coleman who offered us services in medical supervision of
our athletes, and we had problems with Paramjit Gill, who
had problems with his lower back and he promised us he
15 couldn't come, he had flu and he recommended physio-
therapist.

THE COMMISSIONER: Another Doctor?

THE WITNESS: His friend.

THE COMMISSIONER: What was his name?

20 THE WITNESS: I don't recall, we have
contract with this gentleman.

THE COMMISSIONER: The other guy, the other
Doctor?

25 THE WITNESS: He's not a Doctor, he's a
physiotherapist.

THE COMMISSIONER: Go ahead Mr. Proulx.

Me PROULX:

5 Q. Mr. Kulesza, so you did not call, you did not put a call to Doctor Coleman from your room during that meeting?

A. No.

Q. You 'phoned effectively, you tried to reach Doctor Coleman but it was later in the evening?

A. I think so.

10 Q. Right -- well what do you mean you don't think so, that's just what you said.

A. I'm sure I didn't call during the meeting.

Q. Right, did you...

15 A. The meeting was short and there was no reason to call Doctor at that time.

Q. My question is when did you try to reach him?

A. I tried to reach him at evening.

20 Q. What was the purpose of your call?

A. It was problem of Langis Cote with his spasm, lower back.

Q. Did you speak to him?

A. No I didn't.

25 Q. Did he eventually call you, answer your

call?

A. Yes he answered my call on Sunday morning.

Q. Saturday morning?

A. No Sunday morning.

Q. Sunday morning?

A. Right.

Q. You mean...

A. I believe Sunday morning.

Q. He didn't speak to you on Saturday?

A. No.

Q. And when he called you back on Sunday morning what did you tell Doctor Coleman?

A. Oh just short conversation, and I said physiotherapist recommended is coming, so he was he said he couldn't come, so we never met.

Q. Are you sure of that, I don't want to take you by surprise Mr. Kulesza but I think I told you we spoke to Doctor Coleman, unfortunately he was unable to come but are you sure that you told Doctor Coleman the Sunday morning, exactly what you just said now?

A. I cannot recall exactly my conversation with Doctor Coleman, but we discussed about the health of the athletes.

Q. Did you speak to Doctor Coleman about

Jacques Demers Sunday morning?

A. That is possible that I could mention about his liver problem at the time, but I'm not sure if I used his name.

5 Q. Why would you have spoken to Doctor Coleman about Jacques Demers liver problem on the Sunday morning?

A. It's been for a long time now that he complained.

10 THE COMMISSIONER: It's called a legal problem, I didn't hear.

Me PROULX: Liver.

THE COMMISSIONER: Liver, I'm sorry.

15 THE WITNESS: Yes, he started again during the camp in Vancouver complaining of his stomach problem, I could mention him.

Me PROULX:

20 Q. Mr. Kulesza from Vancouver on that Friday did you try to reach your friend Emile in Czechoslovakia?

A. I made several calls on Friday night and I tried to reach, yes I tried to reach everybody to find out what's happened.

25 Q. What do you mean what's happened?

A. What's happened with my athletes, why they were on drugs at this time, I was very curious.

Q. That's right, and did you speak to Emile?

5 A. No I spoke to his wife. It was a weekend time I believe and he was not in the town.

Q. Did he return your call eventually?

A. No.

Q. He never called you back?

10 A. No, because he didn't know my 'phone.

Q. You did not leave to his wife your 'phone number where you can be reached?

A. He could call me eventually home, in that time.

15 Q. Mr. Kulesza you 'phoned Emile, you tried to know from him because it was urgent, it was very important, you had to know what happened with your athletes?

20 A. Yes, but difference in time you see between Vancouver and Europe in this time, about nine (9) hours. So it's very difficult to reach somebody, it was weekend time and he was when I talked to his wife, she said he was in Prague, in different town, he was out of town in this time.

25 Q. You did not give to his wife your 'phone

number?

A. She knew my 'phone number at home.

Q. You never heard from Emile in Vancouver?

A. No.

5 Q. When did you hear from Emile the next time, after that?

A. I met him in Seoul after.

Q. You met him in Seoul?

A. Yes.

10 Q. And did you finally enquire upon Emile?

A. I was so - I didn't know what's happening in that time exactly, but yes we discussed.

Q. You must have told Emile "listen this is terrible, this is shocking"?

15 A. Yes and he didn't want to meet me first of all. He met me finally after maybe two weeks of Olympic Games, and he was very shy and he expected that I will never talk to him.

Q. And eventually did you talk to him?

20 A. Yes I talked to him, and I was very upset of the situation, and he's not my friend any more.

Q. I understand.

A. You know.

Q. Did you get answers to your questions?

25 A. No.

Q. No answers?

A. He was lying.

Q. He was what?

A. I believe he was lying to me.

5

Q. But I mean if you say he was lying to you he then gave you answers.

A. No he didn't give me answers.

10

Q. Mr. Kulesza when you knew on that Friday that these three (3) athletes Jacques Demers, David Bolduc and Paramjit Gill, who were panicked as you described them and obviously had taken drugs, I won't come back on what you said yesterday, we know you left you went to the Park etcetera, but I would like to know did you enquire upon Denis Garon, Langis Cote who did not have to give, to pass a second test, but who were with them in Czechoslovakia, did you go to ask Denis Garon "Denis did you take some too"?

15

A. No, I was completely -- I haven't talked to athletes at all since this moment, I was emotionally, how can I say I was very closed inside I didn't talk to them at all, I was very shocked and I react in such a situation but I don't talk to people.

20

Q. Did you provide, did you offer a sample of your urine yourself?

25

A. No, not at all.

Q. Now you said that Denis, I'm sorry David Bolduc and Jacques Demers wanted to go home, you didn't speak to them after that.

A. No.

Q. Right?

A. No I didn't.

Q. And then the next day the Saturday morning you went to training with them.

THE COMMISSIONER: Breakfast.

BY THE WITNESS:

A. Breakfast.

THE COMMISSIONER: They had breakfast.

Me PROULX:

Q. You went to breakfast and and then you went to training?

A. Yes.

Q. And eventually you all went back to the Hotel because everybody knew they had to pass the test?

A. No, it wasn't the reason to come back to Hotel, the reason was that everybody finished training and came back to Hotel, but they didn't know about the test at that time what time test will take place.

Q. But you knew it was that day, that day on Saturday?

A. Yes I knew it was that day.

Q. Fine, and Jacques Demers and David Bolduc were not back home, they were there?

A. They were still there, they were playing soccer I think in a gym, in training.

5 Q. Alright, you saw them and you knew they were still there, right?

A. Right.

Q. And then you met Mr. Chouinard?

10 A. Not in this time, I met Mr. Chouinard around noon when he got back from Vancouver at the swimming pool.

Q. After the training camp, I'm sorry after the training session.

A. After the training session, yes.

15 Q. You met Mr. Chouinard?

A. Yes.

Q. And you told Mr. Chouinard of what you knew that these guys had taken steroids?

20 A. No I didn't say it this way, but I admitted that three (3) guys are highly suspicious to test positive.

Q. Fine, and you talked to Mr. Chouinard about the green cards when the Doctors arrived?

25 A. No, not in this time because we didn't have idea about procedures at this moment.

Q. When the doctors arrived, right?

A. They arrived, they set up the room and when they were ready they came with green cards and we were together in that time.

5 Q. Now Mr. Kulesza you knew at the time when the two (2) doctors were there, and they were to start the operation of testing.

A. Yes.

10 Q. On four (4) individuals, you knew that three (3) of them at least had taken drugs?

A. Yes.

15 Q. You knew that these people had panicked, wanted to go home, you heard about a catheter, did you tell Mr. Chouinard at the time privately, confidentially "listen we cannot let these guys pass the test"?

A. No I didn't.

Q. Can you tell the Commissioner why?

A. Because...

20 THE COMMISSIONER: I think he said yesterday that it was too human.

BY THE WITNESS:

25 A. I discussed before that with Mr. Chouinard what to do in such a case and the only way is to carry out test, to have evidence, and this was the decision but until last moment was not sure if they will show up

with the testing. They were just notified.

Me PROULX:

Q. We obviously heard of what happened a few days later you heard about the results.

5 A. Yes.

Q. And you left with three (3) of them, three (3) of the six (6) you left with them to Seoul?

A. That's right.

10 Q. Going back to the nineteen eighty-eight (1988) but earlier in nineteen eighty-eight (1988) you told the Commissioner yesterday that your athletes on their return from the first training camp in Czechoslovakia looked to you totally exhausted, and in your opinion the training camp didn't seem to be very beneficial to them.

15 A. It looked...

Q. That's what I understood yesterday?

20 A. Yes, I asked them to train with Czechoslovakian team but the training programme which the athletes brought me and I analyzed, I understood it was not the proper training programme for them in this particular time. So for next trip they follow only training programme which I designed.

Q. You did design the training programme in Czechoslovakia?

25 A. No, no training programme was designed

for one (1) year for elite athletes, and we discussed which programme they should use in Czechoslovakia at this time, and I felt that it would be a good experience for them to try to train with different programme over there, and they tried, but the programme was not specific enough in this period of time for competitions, so they came in poor shape and it was the reason because the training programme was not correct.

Q. So why did you send them back in February?

A. Because the training programme I knew it was in a volume of the load mainly, the reason, that's why they were tired, but after the time they came back and they were quite good, Pan American Games. I decided did not use any more training programme of the Coaches over there.

The opinion of my athletes was the same, like they felt they didn't gain anything from the first training camp in the sense of the physical preparation.

THE COMMISSIONER: That's not what they told us, they said it was almost like a miracle.

A. Well this is...

THE COMMISSIONER: I'm not interrupting, they said it's like a miracle, within three (3) weeks they improved their performance which normally would take years.

A. No, it's not a fact.

THE COMMISSIONER: You heard them say that, you were here. That's what they said.

THE WITNESS: No, somebody said but I can give you an example.

5 THE COMMISSIONER: No but they may not be right...

THE WITNESS: The results, it was described.

THE COMMISSIONER: And I think Mr. Roy noticed the same improvement too.

10 THE WITNESS: Okay what Mr. Roy said, I will ask question. Louis Payer was in Czechoslovakia in nineteen eighty-eight (1988), he completed his best total, before that was three hundred fifteen (315) kilos in total. In nineteen eighty-seven (1987) he did three hundred kilos
15 (300), he was in Czechoslovakia four (4) weeks, competed in Pannonia Cup, did two ninety-five (295), lower than his performance. He completed in Montreal Cup did two ninety-seven (297), where was this incredible progress, there was no progress at all, it was below.

20 This is false what Pierre Roy said at his testimony here, because there is no fact. At the same time I coach athletes in Centre Claude Robillard the younger athletes and who competed Montreal Cup and I have the results here of the Montreal Cup, and athletes who stayed
25 in Montreal they progress more than the athletes who came

from Czechoslovakia.

THE COMMISSIONER: But why would you send them back a third time then?

5 THE WITNESS: Because of programme, and preparation towards Olympic Games. The programme is set up in such a way in a certain period of time there is high volume training and athletes are going down in their performance. In a different period of time...

10 THE COMMISSIONER: Well I don't want to interrupt, I just want to get it while it's here, I'm puzzled then the first trip was really quite a disaster, they came back weak...

THE WITNESS: It wasn't terrific.

15 THE COMMISSIONER: Even though they described it, it was almost like a miracle. And then the second trip also, because your people...

THE WITNESS: Second wasn't bad.

THE COMMISSIONER: No, but the people here were doing better than they were in Czechoslovakia?

20 THE WITNESS: It was surprising a couple of athletes from Montreal did such a nice programme.

THE COMMISSIONER: Well why would you send them back to Czechoslovakia if your own programme was better?

25 THE WITNESS: Because the second and third

time I designed a proper programme and very individual. It was much more successful.

THE COMMISSIONER: Well we do know they were taking drugs all three (3) times.

5 THE WITNESS: But those drugs, even they were taking drugs in such a period of time, we know very well from the publication, scientific investigation that drugs can help when they are using prolonged time, high dosage. Athletes who went for one month to train in
10 Czechoslovakia, couldn't gain much from the drug, this is psychological dependence of the athletes.

THE COMMISSIONER: Well I'm sorry to interrupt you Mr. Proulx.

Me PROULX:

15 Q. Are you saying that there is psychological dependence?

A. Yes, athletes from the past were dependant, and they felt, one of the side effects of steroids is stimulation of the brain, they feel they
20 gain...

THE COMMISSIONER: They become more aggressive?

THE WITNESS: They become more aggressive, but there is no significant gain in the numbers, this is
25 what they feel, and they are very subjective, Coach didn't

- doesn't see what they see through their eyes.

Me PROULX:

5 Q. Now to be able to say that, which athletes did confide to you, so that you can say that today?

A I beg your pardon, I didn't understand.

Q. You just told the Commissioner, right, that the athletes are dependant, right, they have psychological dependence?

10 A. I mean those athletes who have trained in certain clubs, like Montreal under Pierre Roy, who admitted that he was giving drugs to the athletes, those athletes were brought up at the beginning...

15 Q. I'm sorry sir, did you say that Mr. Pierre Roy said that he supplied drugs to athletes?

A. He said that he was in favour of a drug in a certain period of time.

Q. There is a difference.

A. He was in favour.

20 Q. Being in favour and supplying is different.

25 A. Yes but it means in favour, that he was involved in the process of administration of the drugs at that period of time, and most of athletes used drugs in that time, and somebody who knows such a feelings he has a

dependency to repeat and come back to feel that, it's psychological effect, placebo effect and really physical. If somebody wants to use drugs in period of two (2) weeks, believe me they will not gain much from that, it's rather dependence.

THE COMMISSIONER: Well the training camp in Czechoslovakia was four (4) or five (5) weeks.

THE WITNESS: Yes the last training camp was scheduled in such a way that if we are talking about 6/49 the time frame was the same as 6/49, it was just one month of training camp.

THE COMMISSIONER: I'm sorry I took you off your course Mr. Proulx.

Me PROULX:

Q. Mr. Kulesza, did the Federation ask you in nineteen eighty-seven (1987), nineteen eighty-eight (1988), to report to them anything you would have observed as to the use by athletes of steroids?

THE WITNESS:

A. Nobody was asking me to report, first of all, but I felt responsible of reporting of situation, I was doing that.

Q. Can you tell the Commissioner when did you report to the Federation of your observations in nineteen eighty-seven (1987), nineteen eighty-eight (1988)?

A. First my discovery was in nineteen eighty-six (1986), before Commonwealth Games.

Q. I've asked you for nineteen eighty-seven (1987) and nineteen eight-eight (1988)?

5 A. In nineteen eighty-seven (1987) I wrote in my report, which is in that book, nineteen eighty-six (1986), I don't know what page.

Me SILCOFF: You don't have that book Mr. Commissioner, it's a new book.

10 THE COMMISSIONER: A new book?

Me SILCOFF: We will be filing it during the course of the examination, Mr. Commissioner, if you wish to do it now for the purpose of facility, I would be pleased to.

15 THE COMMISSIONER: Sure.

Me SILCOFF: I have put together a volume.

THE COMMISSIONER: Can we have that, that will become Exhibit 101.

20 Me SILCOFF: There are tabs A through L which are various documents which I intend to refer to, during the course of the examination.

Me PROULX: Do you have a copy for the Commissioner.

THE COMMISSIONER: Exhibit 101.

25

--- EXHIBIT 101: Book containing different reports.

THE COMMISSIONER: The document Mr. Kulesza will be referring to is what number?

5

Me PROULX: It's Tab E, Mr. Kulesza.

THE COMMISSIONER: Thank you.

THE WITNESS: Yes, it's National Coach Report, 1986/1987.

10

Me PROULX:

Q. Alright.

A. It covered nineteen eighty-six (1986), until nineteen eighty-six (1986), and beginning of nineteen eighty-seven (1987). It should cover only nineteen eighty-six (1986), but I included some first signs of 6/49 as well in my report from nineteen eighty-seven (1987).

15

Q. Do you want to read with me what you wrote in paragraph six (6).

A. Yes.

20

Q. Anti-doping programme.

"Random testing implemented in 1987...

THE COMMISSIONER: Not so fast please.

Me PROULX: I'm sorry. Tab E.

25

THE COMMISSIONER: Yes.

Me PROULX: Paragraph six (6).

THE COMMISSIONER: Yes.

Me PROULX:

Q. "Random testing implemented in 1987
has improved significantly with the
situation of drugs and their abuse."

You refer to 6/49?

A. That's correct.

Q. I understood yesterday that, maybe I'm
wrong, I could be totally wrong, but I understood from you
yesterday that you were not very happy with the 6/49?

A. No, I was very happy, I felt for the
first time when we came to moment when we could implement
this programme that I would be the happiest coach in the
world in weight-lifting, because I don't have to worry
about drugs in sport any more. I was quite happy.

Q. But I understood yesterday, I think you
said...

A. With the time...

Q. I'm sorry in an answer that you gave to
the Commissioner, there was something you didn't like about
the system because the athletes could cheat on account of
the time frame?

A. That's correct Mr. Proulx, but things
have changed in the time. In the beginning I felt that

5 this is the best thing that can happen for the Coach in a sport where drug abuse was so spread out, because was giving to me a field to work in, in a proper way without being implicated any problems, and it was the best solution and came out from me as well, this 6/49 programme. And at the beginning I felt very secure and I was happy with it, but not at the time, it lost it's power this system. It wasn't perfect.

10 Q. So this report here was written for nineteen eighty-seven (1987) as well?

A. You see we have Annual General meeting of June in each year, so this report covers period of nineteen eighty-six (1986) until March, nineteen eighty... I believe I cover June, nineteen eighty-seven (1987), yes.

15 Q. You are saying I believe, that most of the athletes and coaches have understood that there is no different way but clean training and competition?

A. It was my strong belief in that time.

20 Q. But did you not yesterday say that the other coaches were bad because they were still...

A. If we read the next part.

Q. Most, I'm sorry....

Me SILCOFF: Would you allow the witness to finish perhaps.

25 Me PROULX: Do you mind if I do my own

examination, and you can do yours after.

Me SILCOFF: By all means Mr. Proulx, go ahead.

Me PROULX:

5 Q. "Most of the athletes..", I'm going back.

A. Yes.

Q. ...to your text.

A. Yes.

10 Q. "Most of the athletes have readjusted to the new situation. They train very hard and do very well in training and in competitions. The situation in the Province of Manitoba brings much concern in this matter. The athletes coached by Provincial full time Coach seem to be still in the past. I hope that our example and international lobby against

15 doping will bring good results for the future development of our sport."

20 So you focussed on one Provincial Coach in Manitoba?

A. That's correct.

25 Q. So you didn't have to complain about the

Coaches in Montreal?

5 A. Yes I couldn't complain about anybody in
this time in Montreal in the beginning of nineteen eighty-
seven (1987), but I had not evidence but I was suspicious
towards the athletes from Manitoba, because there was first
serious delay in the testing 6/49 until one month, and two
(2) athletes retired when they were picked up from through
the 6/49 they retired, so my belief was that athletes were
manipulating with the drugs and that's what I reported, but
10 I didn't want to use names because I didn't have any
evidence.

Q. Fine.

15 A. But however what's happening in this
particular moment, it was very important moment in the
history of my fight against drugs, that this full time
Coach Terry Hadlow, I can use his name now, was fighting
back me as National Coach, was obstructing my programme at
this time.

Q. Now Mr. Kulesza...

20 A. And I gained enemies through my action.

Q. Can you tell us why you did not report
to the Federation for nineteen eighty-six (1986), what you
had observed and the information you got from nineteen
eighty-six (1986) in Winnipeg.

25 A. Yes I did, I reported that I gave

directly information to the Vice President Technical, this is my responsibility to deliver information to my Federation, and I did.

Q. But it's not in the report?

5

A. No, it was not covered by this report.

Q. Thank you.

THE COMMISSIONER: That was Mr. Buchanan, he gave the information?

Me PROULX:

10

Q. Mr. Buchanan?

BY THE WITNESS:

A. No it was Vice President, Technical Russ Pryor from Manitoba.

THE COMMISSIONER: Russ Pryor?

15

BY THE WITNESS:

20

A. Who was a great athlete in the past, and who couldn't accept situation in Canada in our sport, and he started war against drugs and he was very helpful but he was in a very difficult situation in Manitoba, being President of the Provincial Association and having coached who was covering up activities of the athletes, there was serious conflict and Russ Pryor finally resigned, because of this issue.

THE COMMISSIONER: Thank you.

25

Me PROULX: Thank you Mr. Kulesza, these are

all my questions.

THE COMMISSIONER: Alright, I'm just going to take a five (5) minute break now.

RECESS

5

THE COMMISSIONER: Mr. Proulx, you have completed your examination?

10

Me PROULX: Yes, subject to a question which might arise from an information that Me. Caisse wants to supply to me.

THE COMMISSIONER: Do you want to supply it now. If you have further questions let's do it now.

It you have got something to give to Mr. Proulx. Do you want Mr. Proulx to ask another question?

15

Mr. Caisse.

BY ME. CAISSE:

20

Oui, monsieur le Commissaire, mon nom est Daniel Caisse. Je représente pour les fins de l'audition de cette Commission royale trois athlètes, messieurs Jacques Demers, David Bolduc ainsi que Louis Payer.

THE COMMISSIONER: Oui.

BY ME. CAISSE:

25

Je vous demande aujourd'hui formellement l'autorisation de contre-interroger monsieur Kulesza sur des faits qui ont mis en évidence certaines situations

impliquant mes clients.

C'est un contre-interrogatoire qui devrait être bref et qui devrait se résumer à des situations impliquant certains de mes clients mais qui nécessitera évidemment une entrée en matière, certaines questions introductives, si je peux m'exprimer ainsi.

C'est ma demande, monsieur le Commissaire.

THE COMMISSIONER: Mr. Caisse you act for Mr. Demers, Mr. Bolduc and Mr. Payer?

BY ME. CAISSE: C'est bien ca, monsieur le Commissaire.

THE COMMISSIONER: And they were witnesses before this enquiry and Mr. Kulesza was a witness as well.

As you know as Counsel for a witness, at a trial, if this were a trial, you could not cross-examine any other persons. The rules of a Royal Commission are similar but not exactly the same, and if a witness testifies I mean with respect to another witness and gives evidence upon which there could be a finding of mis-conduct under Section Thirteen (13), then I would allow the witness, Counsel for the witness against whom the allegation is made, to cross-examine.

But a Counsel for one witness cannot cross-examine another witness, merely because that witness

contradicted the testimony of the first witness. That's the role of Commission Counsel.

Mr. Proulx has thoroughly examined Mr. Kulesza, and as you know Mr. Proulx is a very experienced Counsel, that's his mandate to help bring all the facts.

He's thoroughly examined Mr. Kulesza on all the differences between your client and his. Nothing that Mr. Kulesza has said even if accepted, could form the basis of a finding of misconduct against your client.

If there is any misconduct to be found against your client it's on the basis of their own testimony, so that Mr. Kulesza although he contradicted your client, has not given any evidence upon which I can make a finding of misconduct under Section 13.

All you seek to do is to cross-examine a witness because he has contradicted your client. A counsel for a witness has no such right.

This is not a trial, believe me if it were a trial you would have no right to examine the witness under any such circumstances. But in a Royal Commission we give some latitude to that rule, but in the very limited circumstances that I've outlined, and I'm not going to permit Counsel for a witness to cross-examine another witness, solely on the basis that that witness contradicted his client.

5 Mr. Proulx has done a very thorough job in examination and Mr. Silcoff has a right to re-examine his client and it will be for me at the end of the testimony, on the basis of thorough examination we are having, to determine the conflict.

So I regret very much I cannot accede to your request and if you like I will expand my reasons to make them more formal at a later date.

Thank you Mr. Caisse, I have made my ruling.

10 BY ME. CAISSE: Monsieur le Commissaire, si vous me permettez un ou deux arguments supplémentaires. Si je comprends bien, je serai le seul avocat probablement qui aura représenté des clients à la Commission, envers qui on leur refusera un droit de contre-interroger.

15 THE COMMISSIONER: No, Mr. Poupard, the two Mr. Poupard's were here, you had a right to examine your own client, and because Mr. Kulesza did not give evidence upon which a finding of misconduct could be made against your client, we've gone over that, you know section 13 of
20 the enquiry.

BY ME. CAISSE: Exactly.

THE COMMISSIONER: And that happens every day in trials.

25 BY ME. CAISSE: But Mr. Commissioner Mr. Kulesza said a few times that my client was lying. Not

only he said that here, but he said that also to the newspapers that my clients were lying.

5 THE COMMISSIONER: Well I'm not concerned with what he said to the newspapers, I think its very unfair for anybody to speak to the media with respect to matters here, to comment, because he might misinform the public, I'm not concerned with that. I agree that there is a contradiction in his testimony, and that's not the basis
10 for a solicitor for a witness to cross-examine. That's the Commissions Counsels job which he's done.

He is here to bring all the facts.

BY ME. CAISSE: So if I understand you correctly Mr. Commissioner, I'm sorry to interrupt you.

15 THE COMMISSIONER: Not at all.

BY ME. CAISSE: I cannot ask any questions to Mr. Kulesza.

THE COMMISSIONER: No.

20 BY ME. CAISSE: Thank you very much Mr. Commissioner.

THE COMMISSIONER: Alright. Mr. Silcoff.

Me SILCOFF: Thank you Mr. Commissioner.

25 THE COMMISSIONER: If there is any misunderstanding, I thought the rules were well-known, I intend to expand my ruling and put it on the record at a later time.

The rules are very clear.

Excuse me for a moment but there may be something that Me. Caisse has for Mr. Proulx that might be relevant for Mr. Proulx to question on.

5

Me PROULX: Excuse me Mr. Commissioner.

THE COMMISSIONER: Well perhaps we can carry on, you won't mind if Me. Proulx later on asks another question.

10

Shall we carry on Me. Proulx and you can work it out later.

Mr. Silcoff.

---EXAMINATION BY Me SILCOFF:

15

Me SILCOFF: Mr. Proulx has been kind enough to lend me his portable microphone.

THE COMMISSIONER: So you can wonder around a bit.

Me SILCOFF: Yes.

20

THE COMMISSIONER: Now you are examining Mr. Kulesza and you understand it's your client that's being examined?

Me SILCOFF: Yes Mr. Commissioner.

25

Q. Mr. Kulesza good morning, I don't think I have to introduce myself.

THE COMMISSIONER: I hope not after all this time.

Me SILCOFF:

5 Q. I would ask you to refer to the exhibit 101, which we produced previously, and again in the interest of time.

THE COMMISSIONER: Well you take your time Mr. Silcoff.

10 Me SILCOFF: Not wanting to strain anyones patience however, I intend to refer to several documents in this volume, the volume has been produced for the Commission's enlightenment and I have no intention of spending more time than necessary on the documents involved.

15 THE COMMISSIONER: Please highlight the matters which you feel are important.

Me SILCOFF: Yes, that's what I hope to do during the course of

20 THE COMMISSIONER: Wel will read through the entire.

Me SILCOFF: I'm sorry.

THE COMMISSIONER: We will read through the entire material.

25 Me SILCOFF: I'm sure you will Mr. Commissioner.

THE COMMISSIONER: There's a lot of work being done in these matters which aren't done in the formal sessions of the enquiry.

Me SILCOFF: I'm somewhat aware of that.

5 Q. Mr. Kulesza I would ask you to identify in Tab A, the document which is entitled Andrzej Kulesza, PhD, this is your curriculum vitae, is it not?

A. Right.

10 Q. Mr. Commissioner I would ask simply that the Commission and your investigators take note of the curriculum vitae which will simply complete the testimony given by Mr. Kulesza yesterday while examined in chief by my friend Mr. Proulx.

15 I would also bring to your attention attached to the curriculum vitae is a document of three (3) pages in length, representing the publications of Mr. Kulesza, some twelve (12) different publications over a period of time, are these twelve (12) publications all written by you?

20 A. Yes.

Q. The publications referred to in your curriculum vitae, these are the publications that you have made in various different professional journals?

25 A. That's correct, with a group of scientists.

Q. Thank you very much.

THE COMMISSIONER: Where is this?

Me SILCOFF:

Q. The next tab....

5 THE COMMISSIONER: Oh I have it now, it's in
the back.

BY THE WITNESS:

A. It's in French.

10 THE COMMISSIONER: I see it now, it's at the
back.

Me SILCOFF: It's in the back of tab A.

THE COMMISSIONER: I have it now.

Me SILCOFF: It says "traduction de langue
15 polonaise.

THE COMMISSIONER: Thank you.

Can you just tell me a bit what they are
about, in more detail, what type of publications.

Me SILCOFF:

20 Q. Could you perhaps summarize for the
purpose of this enquiry and for the Commissioner, the
nature of the professional publications that you have
written, subject matter, in very broad outline and the area
of your expertise?

25 A. I spent about ten (10) years working in
University as a Professor, and scientist in sport science

5 department, where I focus on that the research on young weight-lifters. And it was my field of my whole activities and my interest to find out the scientific criteria of selection of the athletes in this sport. I designed in Poland for the first time, scientific criteria of selection of the young athletes, based on the several factors, morphological type, hormonal system of an individual. Psychological make-up and motorial features.

Me SILCOFF:

10 Q. I'm sorry?

A. And motorial features, speed, strength, flexibility and different factors of the human body.

15 I describe model of the winner, potential model of the winner so the Coaches can recognize potential candidate at the beginning when he comes to the gym, or in other words Coaches can reject, maybe it's not the best word in this moment to use, to reject somebody who is not suitable for the sport, because....

Q. Go ahead.

20 A. Because there are two ways of a selection in sport, and in European countries in this matter has been done a lot of research and superiority of European countries lies in the science and the knowledge of the people very much, but not only in the drugs as we have
25 heard so much in the last week.

5 Q. Could you perhaps elaborate if I could on this very important point, could you elaborate, you talk about the profile of a winner, to what extent has the science of sport development gone to be able to identify by absolute objective norms the profile of a winner as you say?

10 A. First of all we have two kind of processes in sport, competition and training. Somebody start training and ends in certain moment, he's winning, or he's losing, it's a very natural process. And in Canada nobody tries to direct athletes to a certain sport, and to choose another one, based on the talent of a potential.

15 Scientific selection it is simply identifying the most important factors in human body in order to determine his potential in future, in weight-lifting in this case.

20 So my role was to identify potential young model, winner, future winner based on anthropological factors like body-build and several different one.

25 In our country, in Canada there is no scientific selection in sport, there is only natural selection. So everybody who comes to the gym can practise with different results, but Europeans have different approach, they chose the people based on the scientific criteria, to practise this sport of another one.

So in dealing with the thousands of athletes in each event they have enormous advantage on Canadians in succeeding in future sport, because...

Q. Would this - I'm sorry.

5 A. Because they use selective material first of all, they select them based on the scientific criteria and they supply them good facilities, knowledgeable coaches and good programme.

10 Q. Would this be one of the reasons which explain why, to use Mr. Proulx's expression, that our athletes are really not playing on a level playing field with the European athletes?

15 A. If we talk about fairness in competitions I can say that it's not just unfairness in a matter of drugs, it's like to play soccer on an uneven field where a ball is going in one direction easier than in another. It's not just drugs, the disadvantage of Europeans in setting up sport in different place in the life of the young people and with a lot of support, gives disadvantage right away.

20 Q. Gives disadvantage?

A. Advantage.

Q. Advantage.

25 A. Gives advantage to the people. And if we are talking about education, because us people, we are

lacking philosophy in sport in Canada. If what Pierre Roy said two days ago that he wanted to work with the Juniors, but the best Coaches work with the juniors in Europe, the best, the most educated people.

5 Q. Why is that?

A. Because its the most important moment for a young fellow to meet somebody who can learn from the teacher, yes and this beginning is so important in the life of this individual. That's why there is so much attention given to the selection of the coaches who work with the youngsters in Europe.

That is more important to have the qualified futures at the beginning than after.

15 Q. Can you bring us back now to the initial question which the Commissioner asked, and that is could you summarize in very very brief form...

THE COMMISSIONER: I think he's done that, that's in the publication.

Me SILCOFF:

20 Q. Are all of these publications dealing with this area of specialization that you have?

BY THE WITNESS:

A. Also training, training load. The success in weight-lifting depends on very much first of the potential of the athlete, I mean talent, and after of the

25

training programme and load in this training programme.

Q. What do you mean by load?

A. Load is the volume and intensity of the training. Frequency of the training, the number of repetitions the intensity in exercise. In weight-lifting it will be the volume, it will be the number of repetitions for example done in the training. And intensity will be weight, average weight which athletes use in the training.

It can be described in percentage, there are many ways to describe load training load, and this training load designed in a sophisticated way and apply on the talented individual brings the results in future, but it takes time, a lot of work to accomplish success.

Now training load can be applied on an individual, in gradual way only through several years and must increase and it gives stimuli for the development of the results and performance.

What's happening with drugs, athletes who are not capable to train with the high load, because environment doesn't help them in Canada. They don't have time to train hard, they have to go to school, they have to work, they don't have support, they don't have coach.

THE COMMISSIONER: That's what the funding is all about.

THE WITNESS: Right, so they don't have the

same environment to train.

THE COMMISSIONER: The funding provided by Sports Canada.

5 THE WITNESS: That's correct, is insufficient

THE COMMISSIONER: Pardon?

THE WITNESS: It's insufficient to set up such a programme.

10 THE COMMISSIONER: Well we'll talk about that later, but the funding provides for an allowance plus tuition if the athlete wants to take advantage of that.

THE WITNESS: That's correct.

THE COMMISSIONER: And also it provides all the expenses for the trips, and travelling and competition.

15 THE WITNESS: That is allowed already for a lot of Canadian athletes, if they receive such a support.

THE COMMISSIONER: So instead of having to work they can compete, they can train and go to school, they don't have to go to work.

20 THE WITNESS: Are we talking about Canada?

THE COMMISSIONER: Canada, yes.

25 THE WITNESS: Not exactly, because the educational system in Canada, it's not a Federal method, it's a Provincial method and it's set up in different ways in different methods...

THE COMMISSIONER: Yes but the programme for our athletes in Canada is the card of athletes not only get a monthly allowance, and help for their accommodation, but they can also have a scholarship fund that they go to school. You knew that?

THE WITNESS: That's correct.

THE COMMISSIONER: And we've heard in Toronto I think it's like thirty-two percent (32%) of athletes in Canada are taking advantage of the scholarship programme, not merely the athletic programme, and how many of your weight-lifters were taking advantage of the opportunity of school as well as training?

THE WITNESS: I'm trying to encourage everybody to go to school. We have several athletes who study in University but they have a lot of difficulties to carry their sport career and to study at the same time.

THE COMMISSIONER: You go ahead, because I want to come back to that later.

Me SILCOFF: I think the Commissioners question, and I think we can just deal with it.

Q. Do you know how many within the Canadian Federation, what percentage of the athletes take advantage of this scholarstic assistance programme.

THE WITNESS:

A. Of course I know, when I came to Canada

I asked my Federation to make a study, give me a sociological profile of my athletes, to find out what they represent as a people, and I never received them. So I tried by myself to identify the condition in life, the education and different aspects of each individual. And it never looked great because we are...

THE COMMISSIONER: The answer I'm sorry, it was not great and...

THE WITNESS: It doesn't look great because the sport is not included in education of young people in Canada, in such a matter as in Europe.

The sport in let's take one, I will give you an example of University of physical education in Canada, there is very short programme oriented to teach kids in the school, basic exercises of baseball and soccer there, and so on

THE COMMISSIONER: And tennis.

THE WITNESS: But there is little sport in the University and the student who practise sport, elite athlete, who at the same time is a student of this University has nothing, his performance, his devotion to the sport and his experience in the sport has nothing to do with his study. This is wrong.

Me SILCOFF:

Q. How is that different here, or how is

that different here than it is in Europe, for example, in the course of your experience?

5 A. In this matter there are Department of different sports in University and each individual who devotes himself of certain sport can find in the University not only help from the University to develop his skills and become champion, but also he can study this subject under the supervision of educated person. So he can become coached and specialized in this area, in this sport.

10 THE COMMISSIONER: But you know in the United States, as I understand it there is no Federal support of athletics.

 THE WITNESS: That's right.

 THE COMMISSIONER: It's not like Canada?

15 THE WITNESS: No.

 THE COMMISSIONER: So we've gone quite a distance.

 THE WITNESS: Canada is much more modern in this method.

20 THE COMMISSIONER: Right.

 THE WITNESS: It's so modern cannot even manage with a centralized system, it's comparable to East European, Canada. However it's applied of a decentralized, and not united country, so that's why we have so many frictions and problems, and Provinces are not interested in

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co-operation with National Federations, they have their own business.

THE COMMISSIONER: Alright we'll get to this point, it's very interesting.

5

Me SILCOFF:

10

Q. Mr. Kulesza I would like to refer you to Tab B, and ask you to identify your agreement with the Canadian weight-lifting Federation, and identify your signature on the third page of the agreement, that is your signature, as Coach. Exhibit B, page three (3) where it says accepted?

THE WITNESS:

A. Yes.

Q. Is that your signature?

15

A. Right, this is mine.

20

Q. Could you perhaps clarify something which we touched on yesterday, and that is the status or organized weight-lifting in Canada, at the time you took on your appointment in the Summer of 1983, the condition of the sport, the condition of the facilities, what did you find, what did you find in the athletes?

A. I found a lot of enthusiasm in the eyes of the people, however a lot of positive things, a lot of negative things.

25

Q. Let's separate the positive.

5 A. I can say this enthusiasm drive of the
Canadians to success is incredible. Personal success is
incredible, all North Americans have this personal interest
in winning, much greater to my understanding than Euro-
peans, who are happy to co-operate in a team and their ego
is not so great.

10 Q. Will you explain further to what extent
the motivation, the drive to win is different in Canadian
athletes in accordance with your experience than it is for
example, in Europeans, where you talk about the team
spirit may be more prevalent.

15 A. I believe this is very much culture and
is spread everywhere in North America, but the personal
success and mainly the goal is to make the most money
possible, but not necessarily people know how to use this
money in their lives, and in sport to win but what is on
the way to the success is not important, but the period of
staying in a sport is the time when people can gain a lot.
Human beings can learn through the travel, through the
20 contacts with different people, this is a normal experience
and also it's a kind of struggle which gives them, it can
be comparable to the life of individuals, nothing is easy.
They have to struggle as much in training as in life, in
order to succeed.

25 Q. How has this, how did this drive to

win, prevalent in Canadian athletes, first manifest itself to you when you came to Canada?

5 A. Coaches and athletes were dreamers. They felt that I believe that they had strong belief that drugs is only one difference between Canadian athletes and
10 others who win competitions. And they use drugs and they couldn't win the top twenty, or top fifteen maximum in the world competition, so it must be something different, but it's very hard to convey such information, because people
15 don't have experience, they never function in a well organized sports system, sports system is very new, we just trying to improve.

15 Sports Canada has existed for maybe fifteen (15) years, so I believe that maybe this historic moment, I see from my perspective that Canada is just in sports very young, with a lot of desire, a lot of kind of propaganda, "go win, go Canada go", but there is no means to do it in that particular moment.

20 So young people chose different ways and not necessarily fair ways.

 Q. To what extent will these young people go to win?

 A. I heard expression they are ready to eat blades to win.

25 Q. What have you experienced.

A. Because another mentality, I will give you an example, Gaetan Boucher great speed-skater who won so many medals in Olympic Games.

Q. Gaetan Boucher?

5 A. Yes, after Olympic Games in Winter Olympic Games 1984, he arrived from first world championships, after Olympic Games and he came second, in world championships, which is great result right after Olympic Games to finish second in his event.

10 I have read in newspapers that he lost, he was loser, he came second he was loser. To be second in world championships you have to have worked very hard, especially against a lot of organized countries, and a lot of athletes, and he was treated like loser in newspapers.
15 So this is mentality, you win or you are nobody.

Another example, when Jacques Demers won silver medal, in Olympic Games first up when his mother approached me she said such a thing "it was your fault that he lost gold medal." Appreciation.

20 Q. What did you say?

A. I didn't say anything, I left. It describes a spirit.

BY ME. SILCOFF:

25 Q. You arrive in Canada, you take on the appointment as National Coach, and you attempt to set up a

high performance centre in Montreal to develop a National Team, could you perhaps explain the relationship between the high performance centre which may presently occupy premises at the Centre Claude Robillard and the various other weight-lifting clubs, some of which may also work out of the Centre Robillard, explain the relationship of the two bodies, of the multitude of bodies if you would.

A. It was first high performance centre in Canadian sport in weight-lifting opening established in 1983, and I had my goal was to organize that centre and in 1986 we received great help from the City of Montreal, new gym and new equipment, facilities which we can say world standard facilities in weight-lifting, only unique facilities in North America we have.

It could happen because Montreal City and structure of the City Municipality in Montreal, the recreation and sport is a part of the life of a city and of a business of a city, which is not the case, I mean all different cities in Canada and in North America. So there is quite a bit money for the sport, and they offered us without charge facilities and services.

So we took advantage of that and I believe that we could develop the modern, the best Club possible as a high performance centre in Canada, as an example.

However I encountered a lot of difficulties,

first of all lack of traditions, low discipline of the athletes, lack -- it was hard to maintain order in a gym, I had difficulties with that. And with the time I was very dissatisfied with my Assistant Coach who never tried to make much effort to organize that club, in such a manner that the parents will be involved, there will be committees, there will be fund raising for the athletes, where education of athletes will be monitored by the coach, such things never happen. And it came to such a moment where I had to inform City of Montreal that the future of that club in this nice City, is in jeopardy.

Q. We'll get to that later, but I would like you to explain if you would, the purpose of this commission, the relationship between the Municipal club if you will, the provincial Federations and your High Performance Centre. Was it akin, if I may suggest, was the relationship between your High Performance Centre and the various different clubs scattered around the country that of a farm system if you could....

A. Oh I can say...

Q. Feeding you with the athletes?

A. The situation is as following. National Coach has right to choose the best athletes in Canada, pick them up talented, bring them, concentrate for certain time, so this is kind of advantage of one Coach over the

others, right. But there was no tradition of National coach in the past, everybody was equal.

5 So when I receive the best athletes, and I coach most sophisticated way, they were easy gainers, because they were the most talented people.

Q. Yes but how did these athletes get to your High Performance Centre, how were they chosen to participate in your High Performance Centre?

10 A. They simply felt that in the town of or club they couldn't progress more, so people moving from one school to another, they wanted to go to University of weight-lifting.

Q. Were they invited to attend?

A. They were invited.

15 Q. By whom?

A. By me, for the Federation. That has been done.

Q. And they were invited from where, from which clubs from which institutions?

20 A. The most athletes came from the club, Montreal club, they came also from different regions of Quebec, as well as from different Provinces.

Q. So I understand then the Montreal Club is distinct from the High Performance Centre?

25 A. Yes, there is club in operation in the

same facilities as the High Performance Centre.

Q. But it is a separate club?

A. Separate organization.

5 Q. Fine, now just for the purposes of the
record, Item number C in your Tab I would ask you to
identify the fact that your contract which was produced in
Tab B, was extended and the letter to confirm the extension
is produced as Tab C, being a letter addressed to you by
10 Mr. Donald Buchanan, dated November fourth (4th), 1988, did
you receive this letter?

A. Yes I did.

Q. Thank you.

I would like to take you now to Winnipeg, to
the training camp, prior to the Commonwealth Games in
15 Edmonton, I believe it was July, 1986.

I would ask you to perhaps expand and
clarify your reasons, expand upon and clarify your reasons
for asking the athletes to provide these statements with
respect to the drugs they have taken, let me first ask you,
20 when did you ask the athletes and under what circumstances
did you ask the athletes to provide these statements?

A. It happened in one of many meetings. At
the beginning of training camp I believe.

Q. At the beginning of training camp, and
25 what precisely did you ask them?

5 A. I asked them to put down all medication they were taking in the past time, and do not put initials, because I knew that I would never receive information from them without the pressure. The pressure was to be in a team Commonwealth Games and pass the test. It was in special circumstances.

Q. So you asked them to provide you with a list of all the drugs they had taken, did you ask them to indicate the frequency, or was that understood?

10 A. It was understood in this way.

Q. And is it your testimony that you specifically suggested that it be on an anonymous basis?

A. That's correct.

15 Q. At the time of the Winnipeg Cup, did you have any concerns, this is in...

THE COMMISSIONER: 1986.

Me SILCOFF:

20 Q. July, 1986, did you have any concern with respect to possible abuse of drugs, or the use of banned substances by athletes in Canada?

25 A. You see in 1985 year, where four (4) athletes were tested positive, before Junior World Championship and Senior World Championships, and between this time in the Commonwealth Games there was no testing at this time, no control.

Q. No control testing?

A. Yes, there was only testing during the National Championships in 1985. I believe that the athletes were using drugs in that time. They still traditionally they used to save time.

Q. Do you have any proof?

A. I don't have any proof.

Q. Why?

A. I tried to find out.

Q. And what then was the purpose for your asking for these lists of drugs used by athletes?

A. To find out information, to know what is the situation with the drugs, in Canada in this particular moment.

Q. What did you hope to do with the information?

A. In this moment we were telling them do not take drugs, we were giving them policies, packages, all kinds of paper, we were trying to educate them but I doubt it in this time that it worked, because there was no control.

Q. What did you hope to achieve by obtaining these lists, what did you hope to do with these lists?

A. I wanted to collect information in order

to change situation.

Q. Did you communicate the contents of these findings with anyone?

A. Yes, I communicated with the Coaches, of course the new appointed Vice President, Technical, who was very much concerned over the drug abuse in this time. And he said he was very -- I can say he knew that I had a lot of good ideas and idealistic approach to the sport and he says I have to help you, and we have to clean up the field with the drugs. So you can work without fear, because it was always fear and we were receiving kind of threat from the Government, that if they test positive then you don't have money any more and Coach lose his job.

So it was purpose simply to find out what is the real situation.

Q. Now to what extent did this data that you obtained from these sheets, assist you in the preparation of a doping control programme?

A. Absolutely, as I said yesterday it was beginning of 6/49 it's happening in Winnipeg. The idea came out at this moment, and we draft first things in the same camp with Russ Pryor and he brought his -- he elaborated details and brought up to the Technical committee and I think two (2) months after Commonwealth Games.

Q. Mr. Kulesza the athletes were tested at the end of the camp?

A. Everybody was subject of test.

5 Q. Was anyone excused from being tested as a result of the information you had received on those forms?

A. No, it had nothing to do with these forms. The athletes could perceive in this way, but nobody was excluded from the test, even we saw...

10 THE COMMISSIONER: We've heard their testimony, it was quite different. They say they talked to you about it.

THE WITNESS:

15 A. The athletes always thinking their way, and they perceive their way.

THE COMMISSIONER: Well we have to hear their evidence, you heard the evidence and you don't agree with that, that they understood about the test and discussed it with you.

20 Me SILCOFF:

Q. How many athletes Mr. Kulesza were tested?

A. Fifteen (15).

25 Q. How many athletes were required to be tested?

A. Fifteen (15).

Q. How many athletes participated in the programme?

A. Fifteen (15).

5 Q. Fifteen (15) out of the fifteen (15) athletes were tested?

A. Right. And two (2) tested positive.

Q. Why did you test all of the athletes?

10 A. It was intended to test everybody before training camp.

Q. Is that a concern that you had that you wished to protect against, it's a rather unusual thing to test everyone isn't it?

A. We used to test everyone before...

15 THE COMMISSIONER: Before leaving.

Me SILCOFF:

Q. Everyone?

Q. No everyone, they were not leaving country, five (5) of them did not leave country.

20 THE COMMISSIONER: I see.

BY THE WITNESS:

25 A. But we felt because we just received some funds from Government, we were always limited to the fund. We couldn't test everybody, so we had occasion to test everybody in this case.

Me SILCOFF:

Q. Mr. Kulesza I address you now, and I take you now to the Czechoslovakia training camp in the Summer of 1987.

5 You testified yesterday with respect to the financial advantages of establishing a training camp in Czechoslovakia, the fact that aside from the cost of transportation our athletes were hosts or guests rather, of the Czechoslovakians.

10 Were there other reasons which prompted you to recommend and direct your athletes to go to this camp in 1987?

15 A. Second reason that athletes train in a professional environment where the facilities were probably the best in the world, all kind of medical services in the same place, nutrition and recovery, biological recovery supplied any time is necessary.

20 So athletes would not worry about anything, except training. It was something which they never seen before, such a special organized centre for weight-lifting and another aspect was educational because the athletes could learn different culture, could notice the people live in different way, could communicate with the youngsters, could experience a lot of new things.

25 Some, it's quite important what young

individuals can gain through the sport, not just for the winning for the participation.

5 The social interest, the interest of society is probably two-fold, one winner is promoting sport and all losers are gaining something from the sport, something which remains till the end of their lives.

So they gain through the participation, a lot of experience which helps them to become perfect human beings.

10 Q. It has been suggested by some of the previous witnesses that Czechoslovakia was, I believe the word was "drug paradise", steroid paradise, do you agree with that analysis, that description?

15 A. No I disagree completely, this description was coming out of this room for one week. However we should realise that the availability of drugs in our country is much higher than the availability of drugs in Czechoslovakia.

Q. I'm sorry.

20 THE COMMISSIONER: It's higher here?

BY THE WITNESS:

A. It's easier to have drugs.

THE COMMISSIONER: Where do you get them from here?

25 BY THE WITNESS:

A. I don't know I never -- but I believe it's just not a problem because of body-building system developed in North America, and a lot of -- I have read a couple of publications where there is plenty of private clubs which produce drugs and sell them in body-building gyms.

So there's kind of a black market, developed in North America, which does not exist in east Europe. In east Europe except Soviet Union and Bulgaria, all drugs are strictly controlled by the pharmacy.

THE COMMISSIONER: Can I ask you this. I don't want to take you off your course, but I think our athletes said at one training camp, one competition they bought drugs and brought back in Moscow.

BY THE WITNESS:

A. In Soviet Union yes.

THE COMMISSIONER: They brought back twenty thousand pills, which they said they got mostly from Polish athletes as well as Russian, do you remember them saying that?

BY THE WITNESS:

A. Yes I remember them saying that and I understand why, what's happened, because if Canadian athletes...

THE COMMISSIONER: They said they used to go

in the store, mostly for the athletes.

BY THE WITNESS:

A. They could buy in pharmacy without prescription as much as they wanted.

5

THE COMMISSIONER: You told me in Poland it was highly controlled and yet they claim that they bought all these, mostly twenty thousand pills from Polish athletes.

BY THE WITNESS:

10

A. But Polish athletes were buying in a Russian pharmacy and selling them because they could know how to get that easy.

THE COMMISSIONER: I see.

BY THE WITNESS:

15

A. And making profit on the Canadians at the same time.

THE COMMISSIONER: I'm sorry I interrupted you. Well you disagree with the, not only the witnesses here but the literature on the subject that steroids are very easily obtainable in the Eastern block countries, and are used generously?

20

BY THE WITNESS:

A. As far as I'm concerned in Soviet Union and Bulgaria this is very...

25

THE COMMISSIONER: Not Czechoslovakia?

BY THE WITNESS:

A. No, not at all.

THE COMMISSIONER: Now you've heard the witnesses who were in Czechoslovakia, are you suggesting that they didn't get drugs in Czechoslovakia?

BY THE WITNESS:

A. No, I'm not saying that.

THE COMMISSIONER: They weren't going to a doctor, they didn't get a prescription.

BY THE WITNESS:

A. In a community, a sports community it's different story, if somebody wants to buy drugs in Czechoslovakia will get into the troubles, will not buy it.

THE COMMISSIONER: Well how did Emile get all these, he's a friend of yours.

BY THE WITNESS:

A. But people who operate in body-building or weight-lifting, they have kind of probably access.

THE COMMISSIONER: From a black market source?

BY THE WITNESS: No, I don't know, through the doctors or maybe through hospitals. I don't know. I'm very surprised. It's illegal.

THE COMMISSIONER: It's illegal here too, to distribute anabolic steroids.

Me SILCOFF:

5 Q. Mr. Kulesza you heard the witnesses talk about, and you testified yesterday, with respect to a meeting you had with the athletes in Austria, prior to your departure for Czechoslovakia, in the Summer of 1987, and we positioned the meeting on the patio of the hotel?

BY THE WITNESS:

10 A. Yes, we had such a meeting and usually when athletes before leaving the different countries for competitions and camps, we used to meet them, talk about...

THE COMMISSIONER: But three (3) were going home, two (2) were going back to camp, four (4) were going to Czechoslovakia.

BY THE WITNESS:

15 A. Yes.

Me SILCOFF:

20 Q. Correct. Now how many days before the departure of the four (4) who went to Czechoslovakia, did this meeting with the athletes take place?

25 A. This meeting took place when team was still competing, I mean those who were going to Canada, back to Canada and those who were going to Czechoslovakia were together, so it took place that meeting for sure not at the last day before departure of the team to Czechoslovakia, it happened a few days earlier.

Q. A few days earlier.

A. When everybody was in the same spot.

Q. And you are sure it did not take place the same day as the bus which left for Czechoslovakia

5

A. It could not have happened at that particular time with the same athletes, because those athletes left for Canada in that moment. If they were present still it means that the departure to Czechoslovakia was a few days later.

10

Q. You have heard Mr. Payer testify that the meeting that he had with you, the alleged second meeting took place in your room, immediately prior to their departure by bus to Czechoslovakia, what do you have to say about that testimony?

15

A. It could not happen with those athletes at the meeting, because they were in Canada at this time. Cote was in Canada at this time.

20

According to what Louis Payer said Cote was at the meeting, but Cote was in Canada at this time, he had already left.

25

THE COMMISSIONER: He said that there were two meetings, at which seven (7) athletes were there and you were sort of giving a farewell to the Canadian athletes going back home. And also the four (4) that were going on to Czechoslovakia.

Me SILCOFF: Let me perhaps...

THE COMMISSIONER: So you called him into your room for a private chat which you say took place.

Me SILCOFF: Perhaps my question wasn't clear.

Q. Mr. Payer has testified that he met with you on the same day as the bus left for Czechoslovakia, with the four (4) athletes on, is that true or false?

BY THE WITNESS:

A. No it didn't take place.

Q. Is that true or false?

A. False.

Q. Thank you. The athletes returned from Czechoslovakia, you meet them in Montreal, you testified that you found them in a sorry state, they seemed to be tired and they didn't look very well, did you notice any abnormal improvement in their athletic performance?

THE COMMISSIONER: What is this now?

BY THE WITNESS: No

Me SILCOFF:

Q. On the return from the first camp in Czechoslovakia.

A. I noticed....

THE COMMISSIONER: He's told us about that, he said they were in pretty poor shape.

BY THE WITNESS:

A. Pretty poor shape.

Me SILCOFF:

Q. Now I'd like to address the issue of
5 their athletic performance, however, their ability.

THE COMMISSIONER: He said that it wasn't
very good.

BY THE WITNESS:

A. It wasn't very good. One athlete gained
10 weight it was David Bolduc, however this boy did not have
enough money to live properly in an apartment and he was
always running, always hungry and skinny and living in poor
conditions and so I believe that staying in a system where
food was supplied to him, without limitation and he was
15 not stressed over there, was comfortable set up for the
athletes, individual will gain weight in such a situation.

Me SILCOFF:

Q. Fine. You've heard witness testify that
with respect to the startling results, or startling
20 improvement in performance, particularly I think Mr. Roy
testified.

THE COMMISSIONER: The athletes did
themselves.

Me SILCOFF: The athletes did also.

25 THE COMMISSIONER: How they were excited

about the increased performance, like a miracle.

Me SILCOFF:

Q. And with respect to that testimony, you heard Mr. Roy testify with respect to the startling increases, and startling improvements.

BY THE WITNESS:

A. This is what they said.

Q. In their performance, subsequent to returning from Czechoslovakia, after two (2) training camps.

Now would you care to comment on number one whether you noticed such increases in performance and number two to what did you attribute it if you did?

THE COMMISSIONER: You are talking about the two training camps.

Me SILCOFF:

Q. After each one of them.

THE COMMISSIONER: Thank you.

Me SILCOFF:

Q. Yes.

BY THE WITNESS:

A. After the first one I already talked about that, after the second one I gave example of Louis Payer performance in a time, and I have here a book where all the results are recorded, and he did below his previous

results in a competition in Pannonia in Budapest. He did two ninety-five (295), two ninety-seven (297) in Montreal Cup, which was below his best total from the past.

5 Q. Let's talk about the return then from Czechoslovakia in March of 1988, the second camp. Did you notice any startling change?

THE COMMISSIONER: That's what he's talking about, the second one.

10 Me SILCOFF: We had one, I want to know whether he noticed any startling change in respect of the other athletes.

BY THE WITNESS:

15 A. I noticed I can say Bolduc is in quite good shape. But this boy was not only poorly fed by himself and he was very worse cook I have ever seen, but he was not systematic in training normally in Montreal.

20 So when he went to Czechoslovakia he was obliged to train systematically and eat without limitations so he was always, he was gaining the most from the training camps.

Q. Is that what you attributed his improved performance to?

A. He would gain probably the same in Canada in that time.

25 Q. Now while we are in Czechoslovakia, the

camp of February/March 1988, did you have prior to departure for that camp - did you go on that trip first of all?

A. No, I didn't.

5 Me SILCOFF:

Q. Fine. Prior to departure for Czechoslovakia did you have a meeting with the athletes at the Centre Robillard?

A. Yes.

10 Q. Who was present at that meeting?

A. Well all athletes going to Czechoslovakia, Bolduc, Payer, Garon, Cote, plus a few young athletes Rejean Clair I believe was beside or Robert was assisting Pierre Roy as well.

15 Q. What was the purpose of the meeting?

A. I informed them about the particular trip by the Military plane from Ottawa to Germany, about how to get the train after and how to get to Czechoslovakia, and also I talked about the situation of Czechoslovakia with the drugs and I was warning them that they should be very responsible over there and respect our policies.

20

Everybody was present at that meeting, I think more athletes than I said.

25 Q. Did you discuss, when you talked about

responsibilities you discussed concern of the use of drugs?

A. Yes of course.

Q. During the course of the training camp
February/March, 1988 in Czechoslovakis, did you telephone
Emile to warn him that Mr. Bolduc's number had been drawn
on the 6/49 and he would be tested upon his return to
Montreal?

A. No I didn't.

THE COMMISSIONER: How did Bolduc know he
was being tested when he came back?

BY THE WITNESS:

A. I don't know.

Me SILCOFF:

Q. When Mr. Bolduc arrived in Montreal, do
you recall the incident, I believe it was in March some
time?

BY THE WITNESS:

A. Yes I do.

Q. Do you remember the date?

A. March nineteenth (19th).

Q. March nineteenth (19th), and what
happened did he come to your office?

A. He came to the....

Q. When did you first see him?

A. He came to my office.

Q. And what condition was he when he came to your office?

A. He was very worried, he looked very excited.

5 Q. Did he look like a man who knew he was going to be tested some two (2) weeks ago?

A. He looked like somebody caught him or something.

10 THE COMMISSIONER: I don't understand, what was he excited about, you said he was excited because he learned, he knew he had to go and take the test.

BY THE WITNESS: Yes.

THE COMMISSIONER: He couldn't pass the test.

15 BY THE WITNESS:

A. He was panicking I can see.

THE COMMISSIONER: And he told you "I can't pass this test"?

BY THE WITNESS:

20 A. No he didn't say anything, we didn't talk about the test.

THE COMMISSIONER: You say he was panicky though.

BY THE WITNESS:

25 A. He was worried.

THE COMMISSIONER: You didn't say "why",
this was one of your team "What's wrong David, what's
wrong, what's the problem".

BY THE WITNESS:

5 A. Well you see we couldn't talk really it
was like very poor communication because of language.

THE COMMISSIONER: But you see your athlete
all upset and excited and worried and you don't find out
what the trouble is?

10 BY THE WITNESS:

A. I wanted to find out.

Me SILCOFF:

Q. In your opinion why was he upset?

A. I think he was doing something wrong.

15 Q. No but was he upset, in your judgement
did he...

THE COMMISSIONER: Like what?

Me SILCOFF:

20 Q. In your judgement did he, when he walked
in your office, in your judgement was this a man who had
prior notice of the fact...

A. No.

Q. That he would be tested that day?

25 A. No he acted like somebody caught him on
something, he was very you know, I understood but I didn't

know about this test and he looked surprised.

Q. He was surprised that he was going to be tested

A. Yes, he was very surprised.

5 Q. And what did he say?

THE COMMISSIONER: This is when he got back home, this is when he arrived home?

BY THE WITNESS: Yes when he arrived.

10 THE COMMISSIONER: And he says he was told, when he left Czechoslovakia.

BY THE WITNESS: This is what he says, yes.

THE COMMISSIONER: And you didn't tell him, you said you knew nothing.

BY THE WITNESS: No.

15 THE COMMISSIONER: So how did he know, except somebody told him that when he arrived he was going to be tested, that's what he said, you know that.

BY THE WITNESS : Yes.

20 THE COMMISSIONER: And he says he discussed the matter with you, and you arranged somehow to put off the test.

BY THE WITNESS:

A. No, this is what he said.

25 THE COMMISSIONER: Well don't laugh about it

Mr. Kulesza, it's quite important.

BY THE WITNESS: Yes.

THE COMMISSIONER: Is it true?

5 BY THE WITNESS: No, it's not true. What he said, this is what he could understand.

THE COMMISSIONER: Well how would he understand that.

10 BY THE WITNESS: Well he acted like somebody who didn't know that he was picked up for the test first of all.

THE COMMISSIONER: When he was in your office you knew that he had to be tested?

BY THE WITNESS: Yes.

15 THE COMMISSIONER: And what happened, did he - he wasn't tested that day when he was supposed to be.

BY THE WITNESS:

A. I found out here.

THE COMMISSIONER: You didn't know anything about it?

20 BY THE WITNESS: No.

Me SILCOFF:

Q. Did he ask you to call Emile when he came into your office?

A. Yes he asked me to call.

25 THE COMMISSIONER: What about?

Me SILCOFF:

Q. And did you?

BY THE WITNESS:

5 A. Yes I did call but it was Saturday night, there was six hours difference.

THE COMMISSIONER: Why were you calling Emile, I'm sorry?

BY THE WITNESS:

10 A. Because he asked me to call, "call Coach, call Coach".

THE COMMISSIONER: Why?

BY THE WITNESS:

15 A. And I said "what's wrong". So I called but I didn't reach him, it was a problem, go for test.

THE COMMISSIONER: What were you going to ask the coach about, what were you talking to Emile about, if you got him on the 'phone?

BY THE WITNESS:

A. I didn't talk to the Coach.

20 THE COMMISSIONER: No but you were calling him for a purpose?

BY THE WITNESS: Yes, to find out what's wrong.

25 THE COMMISSIONER: You are a very intelligent, well educated person, you don't 'phone Czechos-

lovakia unless you have a reason for it. The person on the other end of the 'phone doesn't know why you are calling.

BY THE WITNESS:

5 A. I could suspect that something happened in the sense of drugs over there.

THE COMMISSIONER: I see.

BY THE WITNESS: Yes.

THE COMMISSIONER: Well how could Emile help you, this is after the second camp isn't it?

10 BY THE WITNESS: Yes but at the same time I expected the Czechoslovakian team was on the way to Canada, they arrived March twenty-second (22nd) or twenty-third (23rd) and they stayed in Amsterdam over night.

Me SILCOFF:

15 Q. Well let's forget about the Czechoslovakian team for a minute, let's come back to who - did you call Emile on your own initiative or were you asked to call Emile.

BY THE WITNESS:

20 A. No first of all there was such a principle in my Association and I asked Executive do not implicate me in the process of testing and informing athletes and so on.

25 So I never inform athletes about test, and I didn't know about who was picked up or who wasn't, it was

communication between General Manager and Official. So I was not involved at all for such a...

THE COMMISSIONER: I think your Counsel is asking why you called Emile at all, you said you knew Mr. Kulesza why Bolduc was panicky is that he didn't know when he came back from Czechoslovakia he was going to be tested so quick, and he told you that and he asked you to call Emile I guess to find out whether he would be clean by that time?

BY THE WITNESS: Yes I thought he was manipulating.

THE COMMISSIONER: And he asked you to call Emile, you said you called Emile.

BY THE WITNESS: Yes.

THE COMMISSIONER: You called for him, you didn't get him.

BY THE WITNESS: Didn't get.

THE COMMISSIONER: Now Bolduc said somehow it was arranged he wouldn't have the test for a couple of days.

BY THE WITNESS: No.

THE COMMISSIONER: And he drank lots of fluids and he discussed that with you, because he was not tested for two days.

BY THE WITNESS: No.

Me SILCOFF:

Q. What do you have to say about that?

BY THE WITNESS:

A. I was surprised. I asked him go for
5 test.

THE COMMISSIONER: Why were you calling
Emile then if you asked him to go for the test.

BY THE WITNESS: Because in such a situation
the best thing is to send athletes for the test.

10 THE COMMISSIONER: I'm sorry.

BY THE WITNESS: The test is.....

Me SILCOFF:

Q. You told...

15 THE COMMISSIONER: Have you finished this
part of the examination. Are we through with Emile at the
moment

Me SILCOFF: I'm just about finished on Mr.
Bolduc, if you wish to adjourn Mr. Commissioner.

20 THE COMMISSIONER: No we'll finish with
Bolduc and then we'll take a break.

Me SILCOFF: Fine, let me just finish the
Bolduc if I could.

THE COMMISSIONER: I don't want to interrupt
you.

25 Me SILCOFF:

Q. You told Mr. Bolduc to go to the test?

BY THE WITNESS: Yes.

Q. Did he stay in your office?

A. No he left right away.

5 Q. Did you tell him to go to the test immediately?

A. Right, go for test, because he told me that Official already was waiting for him.

10 Q. Were there to your knowledge testing Officials present in the Centre Claude Robillard?

A. I haven't seen them, I stayed in the office only, but I understood that they were there.

Q. Have you subsequently learned as to when he went for the test?

15 A. Lately, just last week that he went on Monday.

Q. So he did not listen to you?

A. No, it was his own decision.

Q. Thank you.

20 THE COMMISSIONER: We'll take a short break.

---RECESS.

THE COMMISSIONER: Mr. Silcoff, please.

25 Me SILCOFF:

Thank you.

Q. Now Mr. Kulesza I think we are in the home stretch, as they say in sport. I'd like to take you to this book which was produced as Exhibit 101, you have already identified Tab E, which is the Annual National Coaches Report for the year 1986, 1987. I would like to use this document perhaps as an indication and I would ask you ...

THE COMMISSIONER: What tab please?

Me SILCOFF: Tab E Mr. Commissioner.

THE COMMISSIONER: Thank you.

Me SILCOFF:

Q. The Annual National Coaches Report for the year 1986, 1987. Would you describe the process whereby your experiences and your concerns were communicated to your Federation and ultimately to their superior body, how did it work, you testified that you had discussions, you often spoke with the Technical Director, is that correct?

A. Right.

Q. And you also, if I understand correctly, reduced some of your concerns to writings in your Annual Reports. Were these reports, were the contents of these reports discussed at Annual General Meetings of the Federation?

A. Yes.

5 Q. And I take you then to the Annual General Meeting of the Federation which would have taken place in the Summer of 1987, at which your report Tab E, was tabled. Could you perhaps explain how your item 6 was presented to the Annual General Meeting and what was the form in which this document was presented, what discussion ensued?

10 A. Report, I read the report at Annual General Meeting of the Board of Directors of the C.W.F.H.C. and Board approved my report, and all issues arising from the report usually are transferred to the different committees, depending on the issue.

Q. Was there an anti-doping committee?

15 A. And problems related to the doping were transferred to the Technical or Anti-doping committee, I worked on that.

Q. Would you explain what that committee consisted of, were you a member of that committee?

20 A. Yes I was a member of the Anti-doping committee.

Q. And how would these concerns be dealt with at these committees, at these committee meetings?

25 A. It's not many meetings of the anti-doping committee, very few, because of the lack of funding,

we couldn't meet often and we met in 1987 I think once, and we had concern everybody that we have to do something and apply of a grant. We encountered a lot of difficulties with running such a testing system.

5

First people in Provinces had to pass through the kind of take a course how to become official, and test the athletes. So to organize such clinics across Canada it took a couple of months to educate officials and organize special groups.

10

So it was a focus given to the organization at that time when they issue, like we were always late with the issue, we are running out of time, we are too slow in the action. I'm talking the Federation.

15

Q. We'll get to that in terms of the problems of the enforcement and the application of the programme, but let's talk about this anti-doping committee, would this committee consist solely of the representatives of the Federation, or would there be outside representatives as well?

20

A. There were Doctors as well involved in that.

Q. Were there any representatives from any other bodies present?

A. No.

25

Q. Fine. Let me back up if I could, at the

Annual Meeting....

THE COMMISSIONER: I just noticed in this exhibit E, you are talking about the competitions, have you got that in front of you, exhibit E?

5 THE WITNESS: Right.

THE COMMISSIONER: I notice it says "women Canadian Championships", we haven't heard anything, do you coach women as well?

10 THE WITNESS: Not really, during the competitions only.

THE COMMISSIONER: So is there a womens Canadian...

THE WITNESS: Championships.

15 THE COMMISSIONER: Is there a womens Canadian Federation that they belong to, do you have many women who are competing in weight-lifting?

THE WITNESS: Yes we have growing number of women who are competing in weight-lifting.

THE COMMISSIONER: And where do they train?

20 THE WITNESS: They train together with the males in the gyms.

25 THE COMMISSIONER: And I gather here I see one competition in February, what year are we talking about here, 1986, 1987, where was that held February eighth (8th), where was the Championships?

THE WITNESS: The Women Championships in small town in close to Montreal, I don't recall the name of the town.

5 THE COMMISSIONER: And there are twenty-seven (27).

THE WITNESS: Participants.

THE COMMISSIONER: And I see none of them placed, there is no placement.

THE WITNESS: I didn't ...

10 THE COMMISSIONER: Were you there?

THE WITNESS: It was first competition, I always observer of this competition I didn't coach anybody, I observed.

15 THE COMMISSIONER: And do we still have many women who are actively in weight-lifting?

THE WITNESS: Yes we have much more women now in weight-lifting.

THE COMMISSIONER: In your Centre, the Robillard Centre?

20 THE WITNESS: No, they are spread out in the different clubs.

THE COMMISSIONER: Well I should know this I guess, but is there a womens weight-lifting sport in the Olympics?

25 THE WITNESS: Not yet, but it's coming to

this point where women will participate in future.

THE COMMISSIONER: Alright.

THE WITNESS: They compete in world Championships already.

5 THE COMMISSIONER: Thank you, go ahead Mr. Silcoff.

Me SILCOFF:

Q. Mr. Kulesza at the Annual General Meeting of the Federation.

10 THE COMMISSIONER: Excuse me, do they have their own Association or Federation, or are they part of...

THE WITNESS: No, they are part of the same Association.

BY ME. LUTFY:

15 If it's of assistance to you Mr. Commissioner, we'll follow up on that. It's my information this morning from the people sitting to my left, that of the thousand weight-lifters on the lists of the Federation, perhaps ten percent (10%) today are women. We'll get that
20 information more precisely.

THE COMMISSIONER: Alright, I notice twenty-seven (27) competed, in February of 1987 I guess, was it?

THE WITNESS: Right.

25 THE COMMISSIONER: Thank you Mr. Lutfy. Me. Silcoff.

Me SILCOFF:

Q. Let me just ask you for clarification,
at the Annual General Meeting of the Federation are there
outside members present as well, are there any persons
invited from any other Agencies?

THE WITNESS:

A. At this particular meeting there were
invited people from the Provincial Federation, Quebec,
including a few individuals from Dolbeau, who were only at
a part of the meeting.

Q. Was anybody invited from Sport Canada?

A. Yes, a sport consultant was invited.

Q. From any other Federal Government
Agency?

A. No.

Q. I would ask you Mr. Kulesza to turn to
Tab F in the Book which is a copy of the Minutes of the
Executive Committee meeting of the Federation which was
held in St-Hyacinthe, on September twenty-sixth (26th) and
twenty-seventh (27th), 1987 and I would refer you first of
all to item number 8.2, dope testing, where it's stated and
for the purpose of the record if I can simply read it, it's
very short:

"The Vice President Technical will ask
the C.W.F. Scientific Committee to study

available data on products reportedly
used to mask detection."

THE COMMISSIONER: I've lost the spot Mr.

Silcoff

5 Me SILCOFF: I'm sorry.

THE COMMISSIONER: Tab F.

Me SILCOFF: Tab F, the second page.

THE COMMISSIONER: The second page yes.

Me SILCOFF: Item, it's section three (3)

10 which carries on to page two (2).

THE COMMISSIONER: Yes.

Me SILCOFF: Item 8.2 dope testing.

THE COMMISSIONER: On what page now?

Me SILCOFF: I'm still on page two.

15 THE COMMISSIONER: I see it, it's my fault.

Me SILCOFF: 8.2 dope testing.

THE COMMISSIONER: Thank you.

Me SILCOFF:

20 Q. "The Vice President
Technical will ask the
C.W.F. Scientific
Committee to study the
available data on products
reportedly used to mask
25 detection during dope

testing and make recommendations re: our dope policy and procedures."

5 And I notice on the column on the right, if you notice in these minutes, it shows action by, and the name Wes Sullivan is there, who is Wes Sullivan?

THE WITNESS:

A. At that time Vice President Technical.

10 Q. Had you brought to the knowledge of the Executive committee...

A. Yes I brought...

Q. Your experience with respect to, or whatever knowledge you had with respect to products available to mask detection during dope testing?

15 A. I brought it to the attention of sport consultant of Sport Canada, as well as to the attention of a Technical Committee in April, 1987. It was discussed and it was discussed also at Executive Committee meeting.

20 Q. Fine, now I ask you to turn to page four (4) of this document Exhibit F, and it is paragraph 4.2.1, entitled "report of the anti-doping committee meeting held last July in Winnipeg".

25 And if I can just paraphrase, one of the concerns seems to be does it not that there is a fear that the results not be known of the testing before you leave

the country.

Could you perhaps elaborate on what the concern of the Federation was with respect to the timing of competition testing prior to departure.

5

A. We had technical difficulties to obtain the results of the test before departure. So we were advised by Sport medicine Counsel of Canada to schedule test earlier, but we felt that it was my proposal to keep test as close as possible to the departure.

10

Q. Why

15

A. It did not allow simply to protect or prevent of athletes some irresponsible individuals to use drugs, between the test and the competition. Because what Sport Med I remember proposed before Olympic Games 1984, to test one month and a half before departure to Olympic Games.

20

Knowing what was going in weight-lifting I felt that it was ridiculous to test one month before departure. So when we scheduled before the competition they were blaming us that we wanted to monitor athletes.

Q. I'm sorry I didn't hear the word.

25

A. That we wanted to monitor athletes, that was happening before Olympic Games 1988, following recommendation I scheduled test and very much in advance of the Olympic Games.

5 It was on August twenty-seventh (27th) and Olympic Games competition were in September, and it was time frame of about one month between test and the performance, the competition in Seoul, it was obvious it was wrong to schedule test in this time.

So there was no really perfect timing for the test, it should be simply random any time.

10 Q. What are your thoughts, what are your thoughts on the solution to this problem?

A. In future I believe it should be kept confidential such a test. Date.

Q. Let's talk about this testing and your powers if you will for a moment.

15 It's been questioned, the Commissioner has asked you and you have found out that the man told you he took drugs, why didn't you send him home, what is the procedure that you are obliged to follow with respect to the submissions of athletes to test and the rejection of athletes from the team for drug use?

20 A. Athletes notified for test, they have to...

25 THE COMMISSIONER: I asked him why we wouldn't send them home if he knew they were taking drugs, because they were violating the contract, because they were violating the rules, not because they were going to be

caught.

5 Me SILCOFF: No but I think the witness should perhaps qualify Mr. Commissioner the policy of constraints that he operates under with respect to his obligation to submit them to testing.

10 THE COMMISSIONER: Well I'm wondering why he wouldn't send athletes home if he knew they were taking drugs, apart from the question of testing. You are in the camp and you are in training on the way to a competition, you find out that your team was taking drugs, they are not allowed to do that, it's against the rules of Sports Canada, it's against the rules of the Federation, the contract. His obligation to see that it's not done, under his own contract.

15 Me SILCOFF: I don't think anyone disputes that, that the taking of drugs is against the Rules both for Sports Canada and the Federation.

20 THE COMMISSIONER: The Coach selects the team and would make it clear that any member of the team, if I find out you are taking drugs, you are off the team.

Me SILCOFF: My question was...

THE COMMISSIONER: Not wait until you are going to be tested positive.

25 Me SILCOFF: My question to him Mr. Commissioner, is the proposition, the hypothesis you submit

indeed has an attractive allure to it, but my question to the witness is:

Q. In the year 1985, 1986, 1987 right up to last year, if you suspected or were told by an athlete that he was using drugs, are you as the National Coach and as a representative of the Federation, are you obliged notwithstanding that, to have the athlete tested?

THE WITNESS:

A. The fact it was scheduled for test, he had to go for test because in a different way he could create more problems, it could create more problems from the legal point of view.

Q. If you simply said "look sir you've taken drugs don't bother being tested, I happen to know that you are on drugs and that's it, you are off the team". What would be the result of such position?

A. I would inform my President right away about the situation and ask him advice on what to do, because my action and my powers are limited in such a case.

THE COMMISSIONER: I don't want to interrupt you but the President hasn't got the obligation, apart from your interest in the sport itself, you had a contractual obligation to stop if you could and that was part of your - that's in your agreement with your Federation and you are paid by the Government of Canada in this position, and

that's one of your responsibilities.

THE WITNESS:

A. Yes, however it was not in my job description to act like drug controller, but as a Coach.

THE COMMISSIONER: But that's your contract.

THE WITNESS:

A. But nothing related -- my contract doesn't describe my action taken in the case of a violation of the rules.

THE COMMISSIONER: Well it tells you, your obligation is that you are not to in a sense see that your athletes are not in possession of or take drugs. You are not allowed to encourage that and you say if you condone somebody using it that's the same as encourage them.

Me SILCOFF: My question Mr. Commissioner, and if we can simply close the debate on this issue.

THE COMMISSIONER: I'm sorry.

Me SILCOFF: My question is :

Q. Are you, as a representative of the Federation, not obliged to require an athlete to be tested where you suspect that there is drug use?

THE WITNESS:

A. They are obliged to pass the test. In case, I remember one athlete from Manitoba who didn't show up for the test and was a long delay, and I didn't - I

cancelled his competitions and cancelled his participation in training camp because of that, and what's happened after is that this athlete was making complaint that Coach disqualified him from the programme, and finally he passed the test and everything was fine, but my relation with the athlete was broken.

THE COMMISSIONER: Well I don't mean to interrupt, but I'm rather puzzled by this, because the athlete as part of his contract should not be in possession of drugs, apart from using them, and your obligation is to see that you don't encourage athletes to use or possess.

THE WITNESS: Yes.

THE COMMISSIONER: It's not just a question that they might sneak through a test by, as we know now by cheating or masking or delaying, they are not allowed possession of the drugs. And it may be a very difficult task for you to perform, but it seems to me respectfully that you have to make certain all you could, and I always thought the Coach was the fellow who selected the team, and also says "you are not on the team".

THE WITNESS:

A. Yes this fellow was from Manitoba, I haven't seen this fellow train in Manitoba.

THE COMMISSIONER: Yes we have that, you told us about that the other day.

THE WITNESS:

A. I have never seen him but I know looking at the...

5 THE COMMISSIONER: I don't want to be critical, I don't mean to be critical, but I'm just trying to see the role because it helps me to see perhaps to make clear what the obligation of the Coaches are.

THE WITNESS:

A. Not so clear in respect of...

10 THE COMMISSIONER: Well I'll let you consider that go on Mr. Silcoff.

15 BY ME. LUTFY: Mr. Commissioner if it may be of assistance to you. You will remember I dropped into Toronto on January sixteenth (16th), and one of the two questions I put to Miss. Hoffman concerned the issue of legal opinion and whether or not Sports Canada had legal opinions with respect to testing of athletes and the use of products.

20 THE COMMISSIONER: Well respectfully Mr. Lutfy this is a contract and a man says I enter the contract in which this is a condition of me getting the funding and participating in the sport.

25 BY ME. LUTFY: I make no judgement about the merits of the position, but I simply say to you and I say to you today in the event that it may help you in the

questioning of this witness, rightly or wrongly the Federation was concerned with this issue of the legal rights of athletes, of the legal implications of what they were doing in the testing mechanism, we will be leading evidence on that.

THE COMMISSIONER: Right.

BY ME. LUTFY: Next week in Toronto, I make no judgement about the merits of the issue the relevancy of the issue, I just tell you if it's of assistance to you today, that it was something important in the minds of those responsible for the Federation.

THE COMMISSIONER: Well I'm not going to ask him about legal opinions.

BY ME. LUTFY: I beg your pardon.

THE COMMISSIONER: I'm not going to pursue the legal issue with this witness.

BY ME. LUTFY: Fine, I appreciate that, thank you.

THE WITNESS:

A. I would like to give you an example of what position Coach can encounter in his work.

In 1986 Commonwealth Games there were two (2) athletes who dreamed about Gold medal in the same body class, but there cannot be two (2) winners, so I moved one athlete from hundred kilo class to hundred and ten, and

finally they both won different body classes, so we won two (2) gold medals instead of one gold and silver, eventually.

But my strategy was so criticized by the athletes and this particular athlete to such an extent that he decided to go to Court.

THE COMMISSIONER: Did he win?

THE WITNESS:

A. Because I moved him from one body class to another one.

THE COMMISSIONER: Did you win the law suit?

THE WITNESS: But because he competed and he won, so he didn't go to Court. But before that he said in public and on television that he's going to sue National Coach.

THE COMMISSIONER: Right.

Me SILCOFF:

Q. Mr. Kulesza if we can move on.

THE WITNESS:

A. I'm not talking about drug testing.

Q. If we can move on to Tab G, Minutes of meeting of the Executive committee of May twenty-third (23rd), 1988, St. Hyacinthe, you were present at that meeting?

A. Yes.

Q. I refer you to the first page, and

reference made to anti-doping policy 3.2 where it is indicated Claude Ranger will ask Sport Canada to name a date on which they will produce a legal opinion on our anti-doping policy. I believe Mr. Lutfy made some allusion to that earlier.

To your knowledge did the Federation receive such an opinion.

THE COMMISSIONER: What tab is that.

THE WITNESS:

A. I don't know.

Me SILCOFF: Tab G Mr. Commissioner.

THE COMMISSIONER: I'm sorry.

Me SILCOFF: Tab G, as in George, at page one the second item from the bottom, 3.2, anti-doping policy.

THE COMMISSIONER: That's May of 1988.

BY ME. SILCOFF: That's May of 1988, May twenty-third (23rd), 1988. To your knowledge have you or has the Federation received such an opinion?

THE WITNESS:

A. Not to my knowledge, I never heard about that.

Q. And have you been given any clarification with respect to the legalities of your anti-doping policy.

A. No.

Q. And the limits that you could, that were imposed upon you.

A. No, I just followed the...

5 THE COMMISSIONER: My question on the anti-doping policy, my question is : He learns himself from other athletes what they are doing, we have carried that before, anyway carry on.

Me SILCOFF:

10 Q. I would ask you still to turn the page, still on section G, paragraph 3.4, anti-doping policy revision and we have Claude Ranger explaining that:

15 "for random testing the S.M.C.C. agrees to have kits prepared in advance so that the time required to conduct the test will be reduced by at least a week".

Did you have any say in the request that the time requirement for the testing be reduced?

20 A. It was action taken after my report, I believe, when I complained of the delays which create some kind of uncertain situation, in setting up this, it could wait one month for testing so it was encouraging athletes to eventually to go on drugs.

25 Q. I take you now to Tab H, Annual National Coaches Report, 1987, 1988 do you recall when you prepared

that, when did you file it with the Federation?

A. I beg your pardon.

Q. When did you prepare this Annual Report

A. It was the beginning of June, 1988.

5

Q. Beginning of June, 1988.

For purposes of the areas that I am dealing now, I would ask you to refer to item number five (5) anti-doping programme which Mr. Commissioner I believe is to be found on page eight (8).

10

THE COMMISSIONER: I have found it.

Me SILCOFF:

Q. You indicate that random testing implemented in 1987 needs further improvement. Could you elaborate on that.

15

THE WITNESS:

A. I felt that, and I had evidence for that, that delays with testing were creating difficult problem, particularly prior to the National Championships and Olympic Games.

20

The participation in major games, Olympic Games once for four (4) years it's a very exceptional, very important competitions event for young individuals. So there was a lot of pressure from the mass media, there is kind of a gold rush before each Olympics it's major games.

25

In such a situation athletes want to perform

5 and win and be qualified, and if the control system is not strong enough to discourage them or taking drugs in such a moment, they will take it, nobody will stop them from that, to win. It's incredible drive, for the athletes to win and succeed and be qualified.

10 I felt there was already open door to such people who could manipulate the drugs, I was very much concerned about that, and I heard about delays in Manitoba, delays in Ontario with testing I expressed my opinion about that.

Q. And when you expressed your opinion was this matter the subject of a discussion during the course of the Annual General Meeting of the Federation which I believe was held at this year in Yukon.

15 A. I read my report, the report was accepted, but it happened in June, we had very serious financial crisis in that time in Federation, and I don't know if any action was taken after, but we were promised that the testing, the anti-doping policy will be changed soon, such a recommendation was given to the Technical
20 committee, to elaborate testing system, improve 6/49 and such a thing it has happened in November, after Olympic Games.

Me SILCOFF:

25 Q. I would now ask you to direct your

attention to Tab I, which is your National Coach Report of the Montreal Cup, 1988.

A. It was...

5 Q. And - let me ask the question, and let me take you to page two (2) and your conclusion where you say:

"the doping tests should be carried out."

Were they carried out?

10 A. No.

Q. Why?

15 A. Technical reasons which I don't know exactly, but when Canada is going internationally, saying we are against the doping and our event was in International Weight-lifting Calendar, International event, and athletes from different countries are arriving and we don't have doping tests in such a competition, is something wrong with anti-doping policy and I was very upset about that, but I don't know exactly the reasons why the testing didn't
20 take place, because I was not in charge.

Q. You were not in charge?

A. Of the test. I have heard comments from the Journalists.

25 Q. Well let's not comment on the comments you might have heard from Journalists.

To what extent Mr. Kulesza given the limitations of time and responsibility of your position, to what extent are you able to successfully prevent your athletes from using prohibited substances?

5

A. Mainly through the education, that this education should go to the personal coaches, to the athletes. Educational programme, also anti-doping system should be so tight that it should discourage anybody from any attempt. And I should transfer to my association and the bodies who are in charge of that, of the anti-doping policy all information which I can obtain from my observation, to my Federation in order to improve situation.

10

This is what I was doing.

15

Q. I'd like to deal with another issue now if I might, and that is...

A. It's not just to my Association, but I was informing also Canadian Olympic Association and Sport Canada about certain kind of unfairness toward weightlifters.

20

Q. I'd like to take you to another issue, you heard Mr. Roy, Pierre Roy testify that he was allegedly fired from his position at a meeting held in your office, I believe the second (2nd) or the third (3rd) of July, 1988, did such a meeting take place?

25

A. When?

Q. Second (2nd) or third (3rd) of July, 1988 where you allegedly fired him because of your position on the use of drugs?

5 A. No, there was no discussion about drugs in that moment.

Q. I would ask you to refer to your National Coaches report, Tab H, page 6. You say you prepared this report at the beginning of June, 1988, is that correct?

10 A. Yes beginning of June.

Q. Right. Tab H, page six (6). Item number 2A, if you look at the third complete paragraph.

THE COMMISSIONER: What tab?

Me SILCOFF: Tab H.

15 THE COMMISSIONER: H. Thank you.

Me SILCOFF: Page six (6), item 2A.

THE COMMISSIONER: Yes.

Me SILCOFF: Third paragraph, which begins, and it's a short paragraph and I'd like to read it:

20 "The assistant Coach Pierre Roy took a part-time job in a different club. His performance as an Assistant to the National Coach did not meet the standards required for the National Team programme. His contract expires in

25

July, 1988."

At the time that you wrote this report was Mr. Roy available, and that his contract would expire and would not be renewed?

5

THE WITNESS:

A. Yes, he knew about that.

Q. Who told him?

10

A. I had several meetings with Pierre Roy and I was asking him to do his job, and take care of his athletes.

THE COMMISSIONER: I'm sorry - go ahead, I'm sorry.

Me SILCOFF: Do you have the document?

15

THE COMMISSIONER: I have it. This is for 1987, 1988 then and it ends when in 1988, I'm just trying to see.

20

THE WITNESS: It was a report prepared for the meeting which took place on June twenty-second (22nd) in White Horse. The report was prepared at the beginning of June 1988.

THE COMMISSIONER: Thank you. Mr. Silcoff.

Me SILCOFF:

Q. You indicate then that Mr. Roy's standards did not meet the standards required...

25

THE COMMISSIONER: You asked him how he knew

about it before the report, how did you know about that.

Me SILCOFF: He told him.

THE WITNESS:

A. I had been a ...

THE COMMISSIONER: You told him.

THE WITNESS:

A. I told him, we had several meetings.

THE COMMISSIONER: When did you tell him his contract would not be renewed

THE WITNESS:

A. Yes I told him that he cannot work.

Me SILCOFF:

Q. When did you tell him that?

A. It happened between November 1987 and July 1987 we had many short meetings and I was reminding him of his duties.

Q. Will you explain why his contract was not renewed?

THE COMMISSIONER: It says here.

Me SILCOFF: Did not meet the standards, but...

A. Because of his -- he was supporting athletes as I said yesterday athletes who were reprimanded by me after World Championships in 1987, he was supporting athletes who were not allowed to go to Australia to train,

they were very angry that I didn't allow them, and he took the side of the athletes and it was unacceptable for the Assistant Coach to not co-operate with the head coach.

Q. Mr. Kulesza...

5 A. And the last, it happened also that he was not selected for Olympic Games Assistant Coach, and he was very angry and disappointed.

THE COMMISSIONER: Well that would be the Fall of 1988 though.

10 THE WITNESS:

A. It happened at the beginning of 1988.

THE COMMISSIONER: Is that when the coach, when the Assistant Coach for 1988 for the Olympics was decided?

15 THE WITNESS:

A. Yes.

THE COMMISSIONER: So do you know how many you are entitled to have at that time, because you didn't have your numbers yet did you, the number of coaches related to the number of athletes?

20 THE WITNESS:

A. Yes, we expected that two (2) coaches would go to Olympic Games.

THE COMMISSIONER: How many went?

25 THE WITNESS:

A. Two (2), but one (1) returned very quickly.

THE COMMISSIONER: Oh yes we heard that, Mr. Zuffellatto.

THE WITNESS: Yes.

Me SILCOFF:

Q. Mr. Kulesza may I direct your attention to Tab J, in Exhibit 101 being a letter addressed to Mr. Daniel Robin le Ville de Montreal, signed by Andrzej Kulesza, that's you, that's your signature, Tab J?

A. Yes.

Q. Would you look at the second page, is that your signature?

A. The situation was...

Q. Is that your signature?

A. Right, this is my letter.

Q. Would you explain the circumstances which brought you to write this letter to Mr. Robin?

A. The situation was not improving after my meetings with Pierre Roy, at the same time I realised that the facilities in the City of Montreal, are the best in North America, that everybody expect that this place will be the best, the model club in Canada, and it will create very good image for weight-lifting, among the different sports.

5 And the way the Coach was carrying his job and coming late and not organizing the athletes and not really taking care of basic things with the athletes, and not communicating with the parents, I felt, and even backing up, the discipline adopted by me I felt that this is jeopardize the future of weight-lifting in the City of Montreal, and it was unfair to the city, having such a good support and services from them not offering them good job done.

10 Q This letter was written by you on June sixth (6th), some approximate one (1) month before you allegedly fired Mr. Roy?

A. That's correct.

15 Q. Mr. Kulesza what steps did you take to attempt to favour our athletes, our Canadian weight-lifters in light of the requirement that they compete with other athletes from other countries, who may be on steriods, what steps did you take to try and assist them and perhaps get the Canadian Olympic organization, Association to change their standards?

20 A. You see when we implemented anti-doping policy I felt that if anything should happen, should change after that.

25 First of all if I know that drugs help improve performance, simple. So first of all what I did, I

proposed to in my Federation, that standards for the athletes assistance programme the requirements should be lowered.

5 THE COMMISSIONER: I thought they were, were they not lowered. I thought they were lowered?

THE WITNESS: No.

THE COMMISSIONER: Never?

THE WITNESS: The system I designed in 1988...

10 THE COMMISSIONER: Some standards were lowered, am I wrong on that?

THE WITNESS: No, I'm talking about within Federation.

15 THE COMMISSIONER: I thought the standards wer qualification for athletic support, didn't they reduce performance requirements?

THE WITNESS: No.

THE COMMISSIONER: I thought they did.

20 THE WITNESS: They were very stable. I will express myself in this way, we have sport specification system which I designed in weight-lifting, designed in 1984, but with implementation of the anti-doping policy I proposed in 1986 to change requirements, standards of the athletes assistance programme. Lowered them.

25 Me SILCOFF: Alright, we are now circulating

5 a two (2) page document which I would like you to identify,
the first page is entitled "Systeme de classification des
athletes", system of classification for athletes, and the
second page is on the - it has the symbol of the Canadian
Weight-lifting Federation, proposals for restructuring the
national squad, and selecting athletes to the athletic
assistance programme of Sport Canada.

10 Could you perhaps explain to Mr Commissioner
the proposal that you made, and explain the justification
for this proposal?

A. In order to...

Q. Perhaps take the athletes of the 52K
category, and let's see how the changes took place.

15 A. To be fair to the athletes who perform
clean, I propose to reduce standards, and particularly
standards which in let's look at the 52 kilos class.

THE COMMISSIONER: Right.

THE WITNESS:

20 A. Under eighteen (18) was 150 kilos for
third class.

THE COMMISSIONER: Was that your proposal?

THE WITNESS: This is new proposal, and this
old one is..

THE COMMISSIONER: What was it before?

25 THE WITNESS: Before it was 150, it was the

same.

THE COMMISSIONER: The same okay.

THE WITNESS: This is relatively low result
and this problem does not exist.

5

THE COMMISSIONER: So the next category,
175, nineteen (19) 175.

THE WITNESS: Right.

THE COMMISSIONER: It used to be 180.

THE WITNESS: 180.

10

THE COMMISSIONER: And the next class one
twenty-three (23) years.

THE WITNESS: Yes.

THE COMMISSIONER: 190, you propose, it used
to be 200 .

15

THE WITNESS: 210.

THE COMMISSIONER: 210, I'm sorry, no 200.

Me SILCOFF: No 200, it was to be 200 for
one and now you propose 190.

THE WITNESS:

20

A. The master class, and here the master
class is very important because this is one of the
standards to be, support from Sport Canada lowered of ten
kilos.

25

THE COMMISSIONER: From 200 to 210, but the
final class you left as what?

Me SILCOFF: International.

THE WITNESS:

5 A. International I didn't touch, because it's related to the statistical level, international level, so it was not.

THE COMMISSIONER: And this was proposed in 1986, I guess I'm in error, I was under the impression some time down the line that they did reduce at your request the standards?

10 THE WITNESS:

A. This is my action within our Federation.

THE COMMISSIONER: It was done, wasn't it?

THE WITNESS:

A. It was done and approved.

15 THE COMMISSIONER: It was reduced?

THE WITNESS:

A. It was reduced.

THE COMMISSIONER: That's what I thought.

20 THE WITNESS: But it was only reduced for the athletes would could reach C card, but not for A and AB, because it was different requirement of Sport Canada, still related to the world ranking.

THE COMMISSIONER: But it helped people get a C card, that couldn't have gotten it before?

25 THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

THE WITNESS: But at the same time nothing has changed with...

THE COMMISSIONER: A and B?

THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

Me SILCOFF: Would you please file this document as Exhibit 102.

--- EXHIBIT 102 - 2 page document "System of Classification for Athletes."

BY THE WITNESS:

A. At the same time I felt the training programme should be changed as well, to give -- to lower the load and spread out training load during the day and design new training programme with four (4) sessions a day for elite athletes, so they could recover in a natural way.

THE COMMISSIONER: Yes.

THE WITNESS: And I gave example.

Me SILCOFF:

Q. Mr. Kulesza, just on the point of the lowering of the standards for the system of classification for financial assistance, I refer you to the documents in Tab L, in the book before you, you will note in this Tab L are two (2) letters.

One a letter from the Canadian Olympic

Association, Mr. Jack Lynch dated March sixteenth (16th), 1987 addressed by you. And the second a letter by you to Mr. Lynch on the date of May fourteenth (14th), 1987.

5 I would like to bring your attention to the part of the letter dealing with Mr. Langis Cote and Mr. David Bolduc, where we see that the selection committee did not accept these athletes, because they did not meet the selection criteria.

10 I would ask you to explain to Mr. Commissioner your reply of May fourteenth (14th) and your attempts, what attempts did you make on behalf of these two (2) athletes, to have the C.O.A. change their position with respect to them?

THE WITNESS:

15 A. I strongly believe that our athletes were clean in that time, and they perform in World Championships in satisfactory manner in such conditions and at the same time the results from World Championships were qualifying standards for qualifying performance for the Pan
20 American Games in 1987.

However, Canadian Olympic Association maintain very high criteria for our athletes, calling them that so called top sixteen, top half.

Q. What does that mean?

25 A. Which for me as a specialist of sport

doesn't mean very much. It depends on the participation. If we have large participation of the athletes it makes sense, but if we have eight (8) athletes in the same body class and we are speaking of top sixteen, top half, it means top four.

THE COMMISSIONER: I see.

THE WITNESS:

A. So I talked with Sport Consultant, also with Jack Lynch that this should be in scientific way related to the performance of the athletes, not to the participation of others, in the competitions. Which is simply done in different countries through simply we can relate average total from top six (6) to the total of our athletes. Simply compare if he progress or he didn't, no matter who participated.

And I wrote to the Canadian Olympic Association a letter on May fourteenth (14th), 1987 covering this issue. And I talked by the phone of course with Mr. Jack Lynch and he said "we will take under consideration in the future, your recommendation".

Me SILCOFF:

Q. You say in this letter to Mr. Lynch around two-thirds of the way down:

"I would like to stress also that our sport was very much affected by drug

abuse. C.W.F.H.C. implemented a very strong probably the most strict anti-doping policy in the world."

Then you say:

"we expect understanding and co-operation from the C.O.A. in this matter."

THE COMMISSIONER: Is that the same letter.

Me SILCOFF: That's the same letter Mr. Commissioner. Tab L, dated May fourteenth (14th).

THE COMMISSIONER: Yes.

Me SILCOFF: About two-thirds of the way down:

"I would like to stress also".

THE COMMISSIONER: Yes. Thank you.

Me SILCOFF:

Q. Mr. Kulesza you have sat here for eight (8) days, you heard witnesses come from all parts of this land to testify about events which have shocked us all.

THE COMMISSIONER: Is that a question.

Me SILCOFF: I promise Mr. Commissioner I have been admonished before and I will get, within the next ten words, I will get to the question.

THE COMMISSIONER: Why don't you get to it right now.

Me SILCOFF:

Q. How do we solve the problem, there is a problem in weight-lifting is there not?

A. Yes there is in sport.

Q. There is a problem in sport, not only weight-lifting.

A. Not only weight-lifting.

Q. How do we as Canadians number one compete on the international plane, to use our friends expression, on a level playing field, can we?

A. No, we should not put our athletes in my opinion to play on the uneven field.

THE COMMISSIONER: We should not?

THE WITNESS: We should not put them to play on an uneven field, and we should do everything to straighten up this field.

Me SILCOFF:

Q. How do you do that?

THE WITNESS:

Q. We should first establish such a system elaborate philosophy of sport in our country first, and improve education and not dream first about winning, repeat what Pierre Coubertin said many years ago, that the participation is more important than the winning. The struggle is probably more important than the winning. The

struggle is probably more important than the winning, and the same...

THE COMMISSIONER: It doesn't matter how you win or lose but how you play the game.

5

THE WITNESS:

A. Yes.

THE COMMISSIONER: It matters not whether you won or lost but how you played the game.

THE WITNESS:

10

A. Yes, at the same time we should make a lobby, international lobby to bring different countries to the same system as we.

THE COMMISSIONER: Well we know, we are doing that.

15

THE WITNESS: Yes.

THE COMMISSIONER: Canada is leading the battle in this way, you know.

20

THE WITNESS: Yes but my feeling in the last two or three years is that we were politically active in anti-doping. However we are not technically very much advanced with the problems.

THE COMMISSIONER: Right, thank you.

Me SILCOFF:

25

Q. You have filed in this document, I don't intend to take the Commission through it entirely, Mr.

Commission I would refer you to Tab K, which is Mr. Kulesza's report to the Board of Directors and Executive Committee of the Federation. It contains in the report recommendations with respect to how the Federation can best improve it's performance, how the Federation can best serve the sport and I would ask you Mr. Kulesza simply to highlight some of your points.

I would like if I might at this point to ask you Mr. Commissioner, your permission that Mr. Kulesza perhaps can address you on some of these issues, and I would respectfully request that I be reserved the right to make additional representations to you on his behalf with respect to the future of the sport and the future of training facilities and training programmes in Canada.

THE COMMISSIONER: If you have it here now, you can supplement when you have your final submission.

BY ME. SILCOFF: Thank you very much, that's what I wish to do.

Q. Now would you perhaps address the issue?

THE COMMISSIONER: Well I'm not going to have it done twice.

Me SILCOFF: No, no this is a document prepared November sixteenth (16th), 1988.

THE COMMISSIONER: I have it.

Me SILCOFF: Mr. Commissioner, it certainly

does not represent his submissions to the commission but it does at the very least, set out his recommendations to the Federation with respect to in which direction the Federations policy in his opinion can best be directed.

5

THE COMMISSIONER: Well I must say this at the moment, perhaps unfairly but I'm disturbed if he thinks that one of his recommendations in the future we should still organize camps in Czechoslovakia. So far.....

10

Me SILCOFF: I think he might want to address that issue, and see to what extent he still feels that way, after having the benefit of what we know today.

We all have twenty/twenty hindsight.

15

THE COMMISSIONER: No, no he said more than that. He said before we ever heard of it, in his own evidence, Bolduc came back from Czechoslovakia and was on drugs and called Emile, that's direct evidence. But go ahead.

20

Organized intensive and attractive training camps, including Czechoslovakia. I understand Winnipeg..

THE WITNESS:

A. Which page, I don't.

THE COMMISSIONER: Why Czechoslovakia?

Me SILCOFF: We are on document K, first page.

25

THE WITNESS:

A. First page.

THE COMMISSIONER: If this is a solution to solve the problem you may have -- one of the problems may have been your camp in Czechoslovakia. Not a solution, but the problem. I would have thought that this time, with great respect Mr. Kulesza, you might have learned something about Czechoslovakia, the Czechoslovakia camp. I'm sorry to interrupt you I was just struck by that one recommendation.

Me SILCOFF: Well I think you raise a very valid point that I think Mr. Kulesza ...

THE WITNESS:

A. If I can express myself.

Q. I think he should express himself on that point.

A. Yes, my feeling is that I was following the policy of the Government Sport Canada, High Performance programme designed by Government, and we were in kind of a boat going towards high performance in our sport with many witnesses at the same time.

THE COMMISSIONER: This is November, 1988.

THE WITNESS:

A. Yes.

THE COMMISSIONER: And..

THE WITNESS: At the same time...

THE COMMISSIONER: Excuse me now please,
this is after the Seoul event?

THE WITNESS: Yes after Seoul

THE COMMISSIONER: That three (3) of our
athletes were disqualified in Vancouver, just after having
returned from Czechoslovakia.

THE WITNESS:

A. It was in November, before meeting of
Federation;.

THE COMMISSIONER: No, no. You miss the
point. You were in Vancouver in what month, September?

THE WITNESS: September.

THE COMMISSIONER: And in Vancouver three
(3) of our athletes were disqualified.

THE WITNESS: Yes.

THE COMMISSIONER: Your athletes, having
just returned from Czechoslovakia.

THE WITNESS: Not just, but after.

THE COMMISSIONER: Oh please, please. Two
(2) weeks, a week?

THE WITNESS: A few weeks.

THE COMMISSIONER: I think that's pretty
close when they came back, and there's no doubt in my view
that you have the experience and to make recommendations
but I'm somewhat puzzled that you would then still

5 recommend in November 1988, one month after the Seoul, that
one of our future programmes would be that you would
organize intensive and attractive training programmes in
Winnipeg, fine, at Curacao, I think I read a report about
that and Czechoslovakia, yes I mean have you not learned by
now that perhaps it was not wise to send athletes to
Czechoslovakia?

Me SILCOFF:

10 Q. Why don't you answer, could you answer
the Commissioners question?

THE WITNESS:

A. I beg your pardon, I didn't understand
the question.

15 THE COMMISSIONER: If you don't understand
the question.

THE WITNESS:

A. If I...

20 THE COMMISSIONER: I thought by this time,
obviously you are a man educated, well qualified as a
Coach, and we've heard evidence about Czechoslovakia.

THE WITNESS: That's right.

THE COMMISSIONER: For many days, and we
have the proof of what was going on there.

THE WITNESS: Right.

25 THE COMMISSIONER: And you have now too, you

had it before you wrote the letter in November.

THE WITNESS: Right.

THE COMMISSIONER: And you still recommend that we go back.

5 THE WITNESS: Yes I do.

THE COMMISSIONER: Why.

Me SILCOFF:

Q. Will you explain why.

THE WITNESS:

10 A. The exchange between the teams of different countries and we have lately received invitation from the French weight-lifting association.

THE COMMISSIONER: All a very good idea, but why Czechoslovakia again. I don't want to be difficult.

15 THE WITNESS: No I don't propose again Czechoslovakia.

THE COMMISSIONER: Yes you do.

THE WITNESS: I don't think so.

20 THE COMMISSIONER: Winnipeg, Curacao, Czechoslovakia. Five paragraphs, the name of the country stood out.

THE WITNESS: No, I'm talking about the past, what's happened in the past, not in the future.

THE COMMISSIONER: Go ahead please.

25 THE WITNESS: Not in the future.

THE COMMISSIONER: Fine, excuse me.

THE WITNESS: No, this is about the past.

THE COMMISSIONER: This is recommending a future programme to improve...

5

THE WITNESS: Not in this place, I'm writing about the past, what we have done in the past.

THE COMMISSIONER: We could organize intensive and attractive training programme, so this is the future.

10

THE WITNESS: Yes.

THE COMMISSIONER: Mr. Silcoff put this to me and I'm seeking as much help as I can from everybody.

THE WITNESS: This is related to the past.

15

THE COMMISSIONER: Alright, thank you. Go ahead.

THE WITNESS: They were capable to organize in the past such a progress.

THE COMMISSIONER: I'm sorry.

20

THE WITNESS: So I wanted to come back to this high performance system, high performance is a boat on the ocean and where we have almost automatic pilot, we just aim towards winning performance, not having real tools to win and this is what the programme of the Government was encouraging us to do. That's why we organize high performance programme in our sport, as well as in different

25

sport at the same time, but we were not prepared, our sport probably the most sports in Canada to go in this direction at that moment, that's why we should presently make certain shift in the policy towards high performance.

5

Me SILCOFF:

Q. What is the shift that you recommend, would you perhaps deal with that issue.

THE WITNESS:

10

A. We should first withdraw from the competitions where is so-called uneven field, to not compete.

Q. And do what?

15

A. And at the same time encourage competitions amongst youngsters, improve education of the Coaches, organize competition for the women.

THE COMMISSIONER: In countries where you are satisfied that the country is clean?

THE WITNESS: Yes, also to chose the countries.

20

THE COMMISSIONER: What about the Olympics then, what about future participation of weight-lifters in the Olympics.

25

THE WITNESS: We'll participate in 1992 in Olympic Games and we have four years period in Olympic Games, and I do hope that drugs issue in weight-lifting

sport will be in different stage, I don't believe it will be solved completely, but I think it will be much more healthy situation than it is now.

Me SILCOFF:

5

Q. Mr. Kulesza one final question, if I might.

Have you ever, in the years that you have been in Canada as Coach of the National Federation, have you ever encouraged any athlete to use drugs..

10

THE COMMISSIONER: Well that's not a very helpful question, we've heard the evidence as to what transpired and what his response was.

Me SILCOFF: I think the question was with respect to...

15

THE COMMISSIONER: Well I don't think it's a proper question to ask.

Me SILCOFF: Well I will abide by your ruling Mr. Commissioner but I think the witness should be at least..

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THE COMMISSIONER: Well I think we've heard his testimony, and nobody has cut him off and I will obviously give very careful consideration to what he says. But you don't ask the question, the penultimate question. I know what he says and it depends what he thinks encouragement is. I don't think it's a proper question.

25

Me SILCOFF: I will abide by your ruling
sir.

Q. Mr. Kulesza thank you very much.

A. Thank you.

Q. I have no further questions.

--- EXAMINATION BY THE COMMISSIONER: Just
on the last line, the important thing for all of us is to
look to the future, that's what you want to do to.

THE WITNESS: Yes.

THE COMMISSIONER: And in 1984 after the
situation transpired then, Miss. Hoffman for Sports Canada
wrote, you have seen that letter, I think it's now an
Exhibit, I have the number here.

She says:

"despite the events known above and the
fact that drug use in the weight-lifting
has been a known fact for some time the
C.W.F. has in our view, shown itself to
be almost totally incapable of develop-
ing and implementing a plan of action,
which would address what is clearly a
most important damaging issue faced to
sport."

You heard about that did you?

THE WITNESS: Yes.

THE COMMISSIONER: And she in a sense questions whether the Government should continue to fund weight-lifting. And she refers to the:

5 "blatant disregard of your athletes for the doping control procedure as exemplified in the testimony provided doping appeal by Messrs. Chagnon and Hadlow."

Do you know what they said about the doping appeal?

10 THE WITNESS: No. They appealed probably, yes.

THE COMMISSIONER: Were you there?

THE WITNESS: No.

THE COMMISSIONER: And then she says:

15 "If it is the position of C.W.F. that doping is so undamning in a sport, nationally or internationally such that C.W.F. can do little to change the status quo, and I think it's fair to
20 advise you that we would have to give serious thought to withdrawing your fund for those aspects heretofore which involve preparation for and participation in high level competition."

25 And this was the concern expressed by Sports Canada in

September, 1984, and I'm not trying to assign blame to anybody at the moment, but you could have written that letter today almost in the same language.

THE WITNESS: Yes.

5

THE COMMISSIONER: We had the Pan American and now we have the Olympic.

THE WITNESS: Yes.

THE COMMISSIONER: And can this be resolved in your view, or is it so indamning for the sport.

10

THE WITNESS: I don't think that the situation is so the same as it was four years ago. I can say we almost won the battle with drugs in our sport, despite the incidence but the situation was much better than four (4) years ago, there was just incidence in our sport.

15

If we can tighten doping system, through the professional agency, maybe independant of..

THE COMMISSIONER: Well maybe I'm naive but it seems to me a rather pessimistic view that the emphasis must be on testing.

20

THE WITNESS: No, I disagree with that.

THE COMMISSIONER: Well it seems to me.

THE WITNESS: Yes.

THE COMMISSIONER: I mean in other words one year ago, I would have never have thought that we would

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have to emphasize testing on Olympic athletes.

THE WITNESS: Yes, this is not...

THE COMMISSIONER: As an emphasis, and you know you spend so much money on testing and you have no money for the sport.

THE WITNESS: Yes.

THE COMMISSIONER: How can we - you probably...

THE WITNESS: The problem, the most serious problem I see is a formation of the Coaches, the system of formation...

THE COMMISSIONER: Yes but with all due respect you've been our National Coach for five (5) years, six (6) years.

THE WITNESS: Yes.

THE COMMISSIONER: And not assigning responsibility to anyone, but it hasn't worked in your regime either.

THE WITNESS: We don't have system of education of teachers of phys ed and coaches. Coaches simply if they like it they do it. It doesn't mean...

THE COMMISSIONER: Well I gather from what you said earlier, and your Counsel seemed to want to support it.

THE WITNESS: Yes.

5 THE COMMISSIONER: That you really have no authority on this issue, that I can go and say "coach I'm loaded up with this anabolic steroid, look at my performance, my gosh I can be number one in the world". And you wouldn't say well "I will not have my athletes on drugs".

THE WITNESS: I believe, and today this..

THE COMMISSIONER: This is only a scenario.

10 THE WITNESS: Yes I understand. We have to be every member of an Association, and particularly the coaches who are very close to the athletes, should carry the most responsibility in this matter, and act in such a way that with all testing..

15 THE COMMISSIONER: Well in that example you would not have - you wouldn't have kicked me off the team, you would say - I'm not saying you would say it but you would wait to see if I pass my test, if I pass my test I'm on my way.

THE WITNESS: I think that we should change practise.

20 THE COMMISSIONER: Alright, thank you very much Mr. Kulesza.

THE WITNESS: Thank you.

THE COMMISSIONER: Quite a few days of strain.

25 THE WITNESS: Thank you.

BY ME. PROULX:

Mr. Commissioner I would like to ask for your
patience we have a last witness, who is a member of the
Provincial Police of Quebec.

5

THE COMMISSIONER: Alright.

BY ME. PROULX:

And I intend to call this witness mostly as
documentary evidence to show the amplitude of distribution
in the Province, and some legal problems around it.

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SYLVIE LALLIER: Assermentée

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THE COMMISSIONER: I'm sorry I didn't get the name, mister Proulx.

Me PROULX: Sylvie, s-y-l-v-i-e, Lallier, l-a-l-l-i-e-r.

10

THE COMMISSIONER: Thank you.

LE TEMOIN INTERROGE PAR Me PROULX:

Q. Madame Lallier, vous êtes membre de la Sûreté du Québec?

R. Oui, c'est exact.

15

Q. Et plus particulièrement à quelle escouade?

R. Je suis membre de l'Escouade des moeurs de la Sûreté du Québec de Montréal.

20

Q. Pourriez-vous vous approcher un peu plus du micro. Merci. Vous êtes membre de l'Escouade... (interrompu)

25

THE COMMISSIONER: I gather, I'm sorry, I gather that this is not directly related to weightlifting, would you just start to introduce the subject so we'll know where we are going.

Me PROULX: Yes. The witness will establish the action of the police... (interrupted)

THE COMMISSIONER: No, no, but this is on what issue, though?

5 Me PROULX: On the issue of distribution.

THE COMMISSIONER: Right, distribution of steroids.

Me PROULX: Distribution of steroids in the province, not concerning the weightlifting.

10 THE COMMISSIONER: I understand.

Me PROULX:

Q. Alors vous nous disiez que vous êtes membre de l'Escouade des mœurs de la Sûreté du Québec?

R. C'est exact.

15 Q. Est-ce que vous pouvez nous dire si, à ce titre en 1986, vous avez eu un mandat de vos supérieurs de consacrer, enfin de faire enquête sur la question de la distribution des stéroïdes dans le district de Montréal?

20 R. Oui, c'est exact. En effet en 1986, c'est-à-dire en novembre 1986, c'est suite aux recommandations du Coroner, Michel Larose, nous avons procédé à une enquête au niveau des stéroïdes anabolisants dans la région de Montréal, Laval et la Rive-Sud.

25 Q. Vous dites que c'est un coroner qui avait cette demande-là, est-ce que je dois comprendre que

c'est suite au décès d'un athlète?

R. Oui, c'est suite au décès de monsieur Mario Martel, qui est survenu à l'automne 1986.

5 Q. Alors le mandat que vous avez reçu de vos supérieurs était de faire enquête sur l'usage, sur la distribution... (interrompu)

THE COMMISSIONER: Excuse me, why did that death stimulate the enquiry? She said that she got the mandate to do this following a death?

10 Me PROULX: Following the coroner request, at the coroner's request.

THE COMMISSIONER: On what basis though?

Me PROULX:

15 Q. Est-ce que vous êtes au courant que dans le rapport du coroner il était établi que cet athlète avait fait un usage de stéroïdes assez important?

20 R. Oui. En effet, il avait fait un usage assez important de stéroïdes anabolisants. D'ailleurs sur les lieux du décès on avait retracé certains produits qui ont été analysés comme étant des stéroïdes anabolisants.

Q. Je dois comprendre que cependant le pathologiste n'avait pas pu déterminer si les stéroïdes étaient la cause ou non du décès?

25 R. C'est exact. La cause du décès, je crois, a été reliée directement à la cocaïne.

Q. Alors suite à la demande du coroner, vos supérieurs vous ont, vous et je comprends un collègue également, vous ont assigné à cette enquête?

R. Oui, c'est exact.

5

Q. Maintenant avant de débiter l'enquête, est-ce que vous pouvez nous dire si du côté de votre service à la Sûreté du Québec, si vous aviez à ce moment-là une expertise, si vous aviez déjà un dossier sur ces drogues?

10

R. Non. Lorsque le dossier nous a été confié, pour nous les stéroïdes anabolisants n'étaient pas une drogue qui était connue de nous, donc il a fallu faire une phase de recherche, de documentation, et de rencontres de certaines personnes pour justement savoir quel était ce produit, la consistance, l'apparence également et le pourquoi de l'utilisation de ce produit.

15

Q. Parmi les personnes ressources que vous avez rencontrées, vous avez rencontré des médecins?

20

R. Oui, on a rencontré des professionnels de la santé, ce sont des médecins, des vétérinaires, des pharmaciens. On a rencontré aussi des membres qui s'entraînent dans des gymnases, on a rencontré des propriétaires de gymnases. C'est ça, c'est à peu près ça, ces personnes, finalement lorsqu'on rencontrait une personne on nous référait à d'autres individus qui, eux

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autres, nous fournissaient vraiment la documentation nécessaire et les renseignements dont on avait besoin.

5 Q. Cette enquête, d'abord dans un premier temps vous avez consulté des personnes ressources pour vous orienter un peu sur le type de produit, sur la clientèle, n'est-ce pas?

R. C'est exact, oui.

Q. Et dans un deuxième temps vous avez débuté une enquête?

10 R. Oui, parce que lorsqu'on a commencé cette enquête, à un moment donné, à plusieurs reprises on nous référait le nom de certaines personnes ou à certains endroits où il y avait une vente qui était effectuée de stéroïdes anabolisants, dont le nom d'un individu de Sorel
15 qui, lui, procédait de la manière suivante: c'est-à-dire qu'il envoyait des pamphlets publicitaires à travers la province annonçant ses produits en disant que c'était le meilleur prix en ville, d'éviter les intermédiaires et il avait une liste assez considérable de tous les produits
20 qu'il avait à sa disposition.

Les personnes pouvaient commander soit par mandat-poste ou soit par Purolator et lui s'engageait à envoyer les produits qui étaient demandés par les personnes qui en recherchaient.

25 Q. Avez-vous été en mesure d'établir, à ce

moment-là, si cet individu qui était, lui, situé dans une ville à l'extérieur de Montréal, quelle était sa clientèle?

5 R. Sa clientèle, elle a touché tous les coins de la province, que ce soit la Gaspésie, que ce soit la Côte Nord, Chicoutimi, ça allait de Montréal, l'Abitibi, tous les coins de la province ont été touchés. Ceci on l'a établi lorsqu'après avoir fait un achat par un agent double nous avons effectué une perquisition à son domicile. Et à cet endroit on a retracé beaucoup de documentation et
10 des factures de commande, de Purolator qui allaient un peu partout, une distribution à travers la province.

Et par un analyste de nos bureaux nous avons fait établir un organigramme, et on a pu établir qu'il y a environ 53 gymnases, au moins, qui ont été sollicités ou
15 qui ont reçu de ces produits ou reçu de ces pamphlets publicitaires pour la vente, de même qu'au moins 23 noms de particuliers qui sont associés directement ou indirectement à ces gymnases à travers la province.

20 Q. Savez-vous également si cet individu avait des vendeurs itinérants, des vendeurs sur la route?

R. Oui. Il a déclaré d'ailleurs dernièrement, lors du procès, qu'il avait au moins huit vendeurs pour lui. D'ailleurs lorsque notre agent double a été faire un achat pour lui il a essayé de solliciter l'agent
25 double pour que celui-ci vende pour lui.

5 Q. Ah bon! Vous parlez d'un agent double qui s'est infiltré évidemment éventuellement, voulez-vous dire à monsieur le Commissaire, pourquoi il a été décidé au niveau de vos supérieurs, j'imagine, qu'il était nécessaire de recourir aux services d'un agent double?

10 R. Parce que les stéroïdes anabolisants font partie de l'annexe F de la Loi des aliments et drogues, donc même si on savait que cet individu en avait une quantité assez importante chez lui, les motifs de perquisition n'étaient pas suffisants, il fallait pour cela prouver la vente. Le seul moyen de prouver la vente, c'était de faire un achat direct, donc nous avons procédé par un agent double.

15 L'agent double c'est un policier de la Sûreté du Québec qui, lui, s'entraîne depuis plusieurs années dans les gymnases et a une certaine connaissance de ces produits. Parce qu'il était très difficile de prendre un individu et qu'il aille essayer d'acheter un produit qu'il ne connaissait pas, étant donné que la plupart des
20 policiers ne connaissent pas ces produits-là.

25 Q. Dites-moi vous venez de faire référence dans les motifs pour lesquels vous avez, à la Sûreté du Québec, eu recours aux services d'un agent double, vous avez fait référence au fait qu'il s'agissait d'une drogue en vertu de l'annexe F des règlements des aliments et

drogues?

R. C'est ça.

Q. Est-ce que je peux comprendre de ça que ce qui est interdit actuellement, suivant la Loi, c'est la
5 vente ou la distribution et non la seule possession?

R. C'est ça, c'est exact, c'est la vente qui est interdite. La possession n'est pas interdite, la possession pour la vente n'existe pas, c'est seulement la
10 vente qui est touchée.

Q. Alors c'est ce qui rendait difficile pour vous, vous dites, une intervention policière comme, par exemple, un saisie puisque vous n'aviez pas de preuve
effectivement de vente ou de distribution?

R. C'est exact.

Q. Maintenant lors des perquisitions qui, effectivement, ont eu lieu chez cet individu qui, lui, était à la tête de ce réseau de distribution, en plus des produits, des stéroïdes que vous avez retrouvé, est-ce que vous avez retrouvé de la documentation et est-ce que
15 d'autres indices vous ont amené à conclure que l'individu en plus de vendre administrait, injectait ou voyait à traiter le produit avec les individus?

R. Oui. Sur les lieux d'ailleurs nous avons, premièrement à l'agent double il a offert de lui
25 injecter lui-même le produit. Il lui a expliqué de quelle

manière on s'y prenait. L'agent double a préféré lui dire qu'il ferait cela lui-même. Puis par la suite sur les lieux, dans la chambre qui lui servait de bureau, nous avons retrouvé dans une poubelle des seringues déjà
5 utilisées avec des ouates contenant du sang.

Nous avons trouvé aussi des feuilles de désistement que monsieur..., que cet individu de Sorel faisait signer à l'effet qu'il se dégageait de toutes responsabilités visant des maladies soit cirrhose du foie, SIDA et autres.
10

Q. Un "waiver" en quelque sorte. En d'autres termes cet individu faisait signer une renonciation ou un "waiver" à ceux à qui il administrait ce produit?

15 R. C'est exact.

Q. Quant aux effets secondaires?

R. C'est ça. Si effectivement plus tard surviendraient certaines maladies. Là-dessus on en a retrouvé huit qui étaient signées et nous avons contacté ces individus et nous avons procédé... Nous avons rencontré
20 au moins quatre de ces individus qui, eux, nous ont expliqué qu'ils ont été à plusieurs semaines chez l'individu de Sorel et ce sont fait injecter ces produits-là régulièrement sur une certaine période.

25 Q. Maintenant, madame Lallier, pourriez-

vous dire au Commissaire, suivant l'enquête que vous avez complété, et ça c'est en 1987, n'est-ce pas?

R. C'est exact.

5 Q. Finalement l'enquête s'est complété en 1987?

R. Oui.

10 Q. Pourriez-vous dire, tantôt vous parliez d'environ 50 centres ou enfin 50 clients mais répartis par toute la province, vous dites que ce sont des gymnases ou des clubs de culturistes?

R. C'est ça, c'est exact, oui.

15 Q. La clientèle en fait, on parle ici de personnes qui fréquentaient ces gymnases ou ces clubs de culturistes, n'est-ce pas?

20 R. Oui, la clientèle comme telle, lorsque nous avons fait cette enquête, ce n'était pas nécessairement des individus qui allaient en compétition, il y en avait certains, un certain pourcentage, mais c'était beaucoup des personnes qui décidaient après quelques semaines d'entraînement, voyant le voisin qui était plus gros que lui, parce que c'était une phobie pour eux autres de devenir gros, décidaient de prendre ces produits pour améliorer leur apparence physique. Et ça pouvait toucher des jeunes d'une quinzaine d'années à aller jusqu'à des
25 personnes plus âgées, de 30, 40 ans.

Q. Alors dès l'âge de 15 ans?

R. Oui.

Q. Des individus montraient un intérêt pour la consommation de ces produits?

5 R. Oui, c'est exact dès l'âge de 15 ans.

Ca on a retrouvé beaucoup de jeunes de ces âges-là, soit des jeunes qui participaient, qui sont dans des équipes de hockey, d'autres jeunes qu'on a interrogé pour du football voulaient avoir une masse musculaire plus importante. Des
10 jeunes qui peut-être n'étaient pas très grand, ils voulaient compenser au niveau physique en ayant une masse musculaire plus importante.

Q. Est-ce que votre enquête vous a permis d'établir si des gens même de l'extérieur de la province
15 ou même du Canada sont venus ici se procurer, auprès de cet individu, les produits qu'il distribuait?

THE COMMISSIONER: The witness said, Mr. Proulx, it could be sent to them by Purolator, they do not have to come here.

20 Me PROULX: No, but I was told...

THE COMMISSIONER: Go ahead, I am sorry, go ahead, I may not have understood the question. She was explaining that they were not all coming to the premises.

Me PROULX: Une question que je veux vous
25 poser, est-ce que...

THE COMMISSIONER: They actually were people from outside this area.

5 Me PROULX: Yes. Est-ce que vous êtes au courant si... well some people, Mr. Commissioner, had to come to be injected.

THE COMMISSIONER: Yes, I am sorry. Those are the ones you are talking about?

Me PROULX: Yes. Est-ce que suivant l'enquête que vous avez établie...

10 THE COMMISSIONER: Did we establish what type of products? I guess they were not all injections? What type of anabolic steroids are they, pills or fluid?

15 Me PROULX: Quand, évidemment, je parle de ces injections dont vous parliez tantôt et particulièrement des renonciations qu'il faisait signer à ses clients...

THE COMMISSIONER: That would be liquid, but what else was being sold?

Me PROULX: Est-ce que vous avez un inventaire des produits référant aux stéroïdes?

20 THE COMMISSIONER: Could you ask if there were some pills and some liquid.

Me PROULX: Alors, est-ce qu'il y avait des comprimés?

25 R. Oui, il y avait des comprimés et des injections aussi en liquide.

Q. Maintenant, avez-vous fait un inventaire de ces comprimés-là?

5 R. Oui, il y a un inventaire complet qui a été fait. Nous avons des photos également qui ont été prises sur les lieux et par la suite à nos bureaux.

THE COMMISSIONER: Mr. Proulx, I interrupted you, you were going to ask about the people outside.

10 Me PROULX: Yes, that is all right, you know, Mr. Commissioner. While we are talking about it, for the record, we will produce pictures that the Provincial Police was...

THE COMMISSIONER: I want you to pursue that question though about...

15 Me PROULX: Yes, I will come back on it. We have very eloquent pictures, which can tell us about each product, for instance many names you have heard before, like décaboline, etc. etc.

20 Q. Alors, j'ai ici, madame Lallier, deux (2) exemplaires des photos que vous nous avez remises, alors je vais les produire.

---EXHIBIT NO.103: Photos.

25 Je veux revenir à la question que je vous posais tantôt, suivant les constatations ou l'enquête que

vous avez faite, est-ce qu'il vous a été donné de constater ou est-ce qu'on a porté à votre connaissance que des athlètes de l'extérieur ont consulté ou sont venus ici consulter l'individu ou ont obtenu de ces produits?

5

R. Non, pas les athlètes. Il y a seulement les deux (2) jeunes qu'on avait interrogés, qui se préparaient à aller à l'université américaine et c'est justement pour ça, pour faire partie d'une équipe de football qu'ils avaient consommé ces produits-là.

10

Q. Parce qu'ils...

R. Ils voulaient se classer pour un camp d'entraînement, j'imagine, américain ou quelque chose comme ça.

15

THE COMMISSIONER: Where were these athletes from?

Me PROULX: Ils étaient d'ici?

R. Oui, oui, ils étaient de Sorel.

Q. Ils se rendaient aux Etats-Unis.

R. C'est ça.

20

Q. Ils avaient quel âge, ces individus-là?

THE COMMISSIONER: I am sorry, Mr. Proulx, where were they from?

Me PROULX: They were from here and they wanted to...

25

THE COMMISSIONER: I understand, to go to

the States for a scholarship.

Me PROULX: That is right. Et quel âge avaient ces individus?

5 R. Dix-huit (18) et dix-neuf (19) ans à peu près.

10 Q. Suivant l'enquête également que vous avez faite, pouvez-vous nous dire s'il est exact qu'un des moyens de vente était de placer ce qu'eux appelaient dans le milieu des poulins, c'est-à-dire à certaines compétitions. Est-ce que vous pourriez peut-être élaborer là-dessus?

15 R. Oui, il nous a été rapporté à plusieurs reprises, à l'effet que dans certains gymnases il y avait des individus qui étaient sur les lieux, qui avaient gagné certaines compétitions, soit en culturisme ou dans d'autres sports qui demandaient beaucoup de musculation, puis ces individus finalement attiraient une certaine clientèle. Puis lorsque le propriétaire décidait, à un moment donné, d'empêcher ces individus de vendre des stéroïdes à 20 l'intérieur de leur place ou il leur mettait finalement les bâtons dans les roues, ces individus-là, les poulins comme tels partaient et s'en allaient dans d'autres gymnases.

25 Il y avait quand même, surtout au niveau de la Rive-Sud, un groupe de personnes qui vendait, qui était quand même très bien organisé, puis c'est de cette façon-là

qu'ils procédaient.

5 Q. Au niveau, madame Lallier, des conclusions que vous avez tirées de cette enquête à la Sûreté du Québec, est-ce qu'on peut dire que se posait un premier problème relativement au fait que la simple possession n'était pas prohibée ou n'était pas visée par la loi ou les règlements.

10 R. Oui, pour nous c'était un très grand problème, parce qu'à certaines reprises, lorsque nous avions des informations, à l'effet qu'à tel ou tel endroit il pouvait y avoir une certaine quantité, bien pour nous, c'était inutile de partir ou essayer d'aller faire une saisie si la vente n'était pas prouvée, parce que la possession est tout simplement permise, la consommation est permise, ce n'est que la vente qui est interdite.

15 Me PROULX: Mr. Commissioner, these are the questions that I thought were useful.

20 THE COMMISSIONER: Thank you. Just one question. This exhibit, were all these drugs taken from the one premises? This is exhibit 103 and there are all sorts of drugs in here. Were they all taken from one premises, were they all seized at one time?

25 R. Oui, ils ont été saisis tous à la fois, toujours dans la maison...

Q. From the same premises.

R. Oui, sur les mêmes lieux.

Q. And I see there is a price list in here.
They got all the drugs, they got the price for them.

R. C'est exact.

5 Q. And did you give any estimate as to what
the value of all the drugs was in that one seizure.

10 R. Oui, nous avons fait une liste de prix,
d'après les prix que l'individu affichait, et la valeur
saisie sur les lieux montait environ à huit mille sept
cents dollars (8 700\$), puis il avait déclaré également à
notre agent double qu'il était vide présentement, qu'il
attendait une grosse livraison. Donc, la valeur est
environ de huit mille sept cents dollars (8 700\$).

Q. Well, thank you very much, merci.

15 Me PROULX: Merci beaucoup, madame Lallier.
At this stage, Mr. Commissioner, these are all the
witnesses and, unfortunately, we were unable to call the
two other witnesses, we thought we could at the time, Mr.
Ranger and Mr. Chouinard from the Federation.

20 ---EXAMINATION BY THE COMMISSIONER:

Q- We are running behind, I think. I
discussed this with counsel, so that we are going to
adjourn today until February 22nd, in our hearing room in
25 Toronto, on Bay Street, and at that time, with the

5 cooperation of Mr. Silcoff and Mr. Lutfy, we will complete the evidence with respect to the weightlifting, which is one phase of our inquiry, and we will commence the third phase on Tuesday February 28th, that will be track and field. After we complete the evidence of weightlifting, in some future time, I will invite counsel back to make submissions with respect to what I should find and what recommendations I should make. That will have to wait another day.

10 I appreciate very much the cooperation of all counsel and witnesses, I think we had a very full session and it has given me a lot to think about.

We will now adjourn to the 22nd of February in Toronto, thank you.

15 ---The hearing is adjourned till February 22nd 1989, 10:00 in Toronto.

